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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1948 C. C. C. Soybean Bulletin 1, Amdt. 1]

PART 643—OILSEEDS

SUBPART—1948 SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A statement in the FEDERAL REGISTER of December 23, 1948 (13 F. R. 8248), has redesignated Part 257, Soybean Loans and Purchases, in Chapter II of Title 6 of the Code of Federal Regulations, published in 13 F. R. 5545, containing the requirements of the loan and purchase agreement program on soybeans produced in 1948, as Part 643, Oilseeds, Subpart—1948 Soybean Loan and Purchase Agreement Program, in Chapter IV of such title. Sections 257.201 to 257.225 have been redesignated as §§ 643.51 to 643.75.

Section 643.74 (c) (formerly § 257.224 (c)), *Purchase agreements*, is amended to read as follows:

(c) *Purchase agreements.* CCC will assume accrued warehouse charges on soybeans in eligible warehouse storage (except that any such charges in excess of those provided under the Uniform Grain Storage Agreement, CCC Form H, Revised, for the 1948 crop, including applicable surcharges, shall be for the account of the producer), or make a payment of 7 cents per bushel to the producer on soybeans in such storage if it is shown that all warehouse charges, other than receiving charges, not in excess of those provided under the Uniform Grain Storage Agreement, have been paid by the producer up to the beginning date of the 30-day period in which the producer may elect to sell soybeans to CCC. A storage payment of 7 cents per bushel will be made to the producer on soybeans delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interprets or applies secs. 4 (g), (l), 5 (d), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 24th day of May 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 49-4264; Filed, May 26, 1949; 8:59 a. m.]

PART 672—WOOL

SUBPART—1949 WOOL PRICE SUPPORT PURCHASE PROGRAM

This bulletin states the requirements with respect to the 1949 Wool Price Support Purchase Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA").

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672.2 Eligible persons.
672.3 Eligible wool.
672.4 Determination of weight.
672.5 Determination of value.
672.6 Advances prior to appraisal.
672.7 Purchase price.
672.8 Account sales.
672.9 Charges.

AUTHORITY: §§ 672.1 to 672.9 issued under sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong.; sec. 1, Pub. Law 897, 80th Cong.

§ 672.1 *Administration.* The program will be carried out under the general supervision and direction of the Manager, CCC, and in accordance with the bylaws of CCC through PMA. Prices of wool will be supported by means of purchases made through wool dealers and cooperative associations (such wool dealers and cooperative associations are hereinafter referred to as "handlers") who enter into agreements with CCC to purchase, store, handle, and sell wool for the account of CCC. Names of approved handlers may be obtained from the County Agricultural Conservation

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Committees and the Wool Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

§ 672.2 *Eligible persons.* Shorn wool will be purchased by CCC through shorn wool handlers from any grower, pool country merchant or assembler (such country merchant or assembler hereinafter referred to as "secondary handler").

Pulled wool will be purchased through pulled wool handlers from pulleries or directly from pulleries having agreements with CCC.

§ 672.3 *Eligible wool.* Eligible wool shall be wool which meets the following requirements:

(a) The wool must be shorn from, or removed from the skins of, sheep or lambs raised in the continental United States and Territories.

(b) The grower or pullery must not have parted with title to such wool prior to August 15, 1947.

(c) The wool must be free of all liens and encumbrances.

(d) The wool must be delivered to the handler on or before December 31, 1949, and the handler must have placed such wool in the warehouse and tendered it to CCC on or before 12:00 p. m., e. s. t., December 31, 1949.

(e) The entire lot or quantity of wool purchased from a grower by a handler or secondary handler must be tendered to CCC if any part of that lot is tendered to CCC.

(f) Wool purchased from growers by a secondary handler must be accompanied by a certificate of the secondary handler showing the quantity of wool purchased from each grower and the name of each grower, the respective amounts paid or payable for such wool, and containing a notation of the County Agricultural Conservation Committee for the county in which the secondary handler maintains his principal place of business that a copy of such certificate, showing also the addresses of the growers, has been filed with such county committee.

(g) Wool purchased from growers by a handler or secondary handler must not be commingled with wool received by the handler or secondary handler on consignment.

(h) Wool purchased from growers by a handler or secondary handler must have been purchased in lots of 3,000 pounds or less, except that this limitation shall not apply to California processing type wools, i. e., tags, defective fall and eight months' wool, and defective lamb's wool, produced in California.

(i) All pulled wool must have been received by the handler on consignment from the pullery which produced the wool and shall have been graded by or on behalf of the pullery in accordance with its usual custom, and, unless otherwise approved by CCC, shall be in lots of not less than 10,000 pounds of grease wool of the main grades (clear white and stained wools of 50's quality and above), in lots of not less than 5,000 pounds for grease wool of the other grades, and in lots of not less than 2,500 pounds of scoured and/or carbonized wools, irrespective of grades.

(j) The wool shall not have previously been purchased by CCC.

§ 672.4 *Determination of weight.* The weight of shorn wool delivered under the program shall be the inweights of the warehouse in which the wool is appraised, if it is original bag wool, or the weights into the graded pile, if it is graded wool, and in the case of scoured wool shall be the inweights of the warehouse in which the wool is appraised or the outweights of the scouring mill: *Provided,* That such weights were taken not earlier than 30 days prior to the date of tender of the wool to CCC. Wool which was weighed earlier than such date shall be purchased on the basis of reweights taken not earlier than 30 days prior to the date of the appraisal or the date the appraisal is requested by the handler in writing. In the case of wool received in a wet condition, the weight shall not be determined until the wool is properly dried.

The weight of pulled wool shall be the inweights of the warehouse in which the wool is appraised or, in the case of scoured or carbonized wool, the outweights of the scouring mill: *Provided,* That such weights were not taken earlier than 30 days prior to the date of tender of the wool to CCC, in the case of wool purchased through handlers, or not earlier than 30 days prior to the date of appraisal or the date the appraisal is requested in writing, in the case of wool purchased direct from pulleries.

§ 672.5 *Determination of value.* The value of wool delivered under the program shall be based on the grade, length, shrink, type, and classification of the wool as determined by an Appraisal Committee appointed or employed by the United States Department of Agriculture. The shrink shall be determined by the United States Department of Agriculture by the core-test method unless CCC authorizes the shrink to be determined by an inspection by the Appraisal Committee.

The determination of the value of the wool shall be subject to the right of the grower, pool, secondary handler, or pullery to a reappraisal upon application to the handler not later than 15 days after the mailing by the handler of a copy of the Appraisal Committee's certificate containing the appraised value of the wool or, in the case of wool purchased direct from pulleries, upon application to CCC not later than 15 days after issuance of the official appraisal certificate.

In case more than one grower, pool, or secondary handler has contributed to a line of wool which is scoured or carbonized, the purchase price to be paid them shall be prorated among them on the basis of the quantity of wool each has in the line and on the basis of the length, quality (grade), shrinkage, and extent of the defect in such wool as determined by the handler before scouring or carbonizing.

§ 672.6 *Advances prior to appraisal.* In the case of shorn wool, a grower, pool, or secondary handler may obtain from the handler a partial payment in advance of the appraisal of wool which has

been tendered to CCC, in the following amount:

(a) In the case of wool which is to be graded, not to exceed seventy-five percent (75%) of the estimated appraisal value.

(b) In the case of wool which is to be scoured or carbonized, not to exceed sixty percent (60%) of the estimated appraisal value.

In the case of pulled wool, which requires scouring or carbonizing before it is appraised, the pullery may obtain from the handler a partial payment in advance of the appraisal of pulled wool which has been tendered to CCC in an amount not to exceed seventy-five percent (75%) of the estimated appraisal value of the wool.

§ 672.7 *Purchase price.* The purchase price of the wool shall be in accordance with the following schedule, less the applicable charges enumerated in § 672.9, except that in the case of wool purchased from growers by a handler or secondary handler, the purchase price shall not exceed the amount paid the growers for such wool plus the secondary handling or country service charge specified in § 672.9 (f). Except as otherwise indicated in the schedule, the values are stated on a clean content basis. In the case of wool purchased in the grease, the shrinkage as determined in accordance with § 672.5 shall be applied to the clean content value appearing in the schedule to arrive at the value applicable to the grease wool.

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT

[Greasy, Scoured, Carbonized (all prices are sold Boston, Mass.). Effective date, Jan. 1, 1949]

This schedule (as applied to Parts I, I–A, II, II–A, and III) is for good style, clear wool only. Prices shown shall be discounted up to five (5) cents per clean pound in appraising ordinary to poor style, poorly put up wool, or wool which for any reason would entail excessive conversion costs exclusive of discounts in Part V, and for wools appraised under a classification for which they are not completely eligible.

PART I

Class	Description	Clean price per pound
	Territory and Texas Wool—Graded	
2A	Graded strictly staple, 64s and finer	$1.32
3A	Graded good French combing and staple only, 64s and finer.	1.30
3C	Graded average and good French combing, 64s and finer.	1.27
4A	Graded average French combing, 64s and finer.	1.24
4AA	Graded average and short French combing, 64s and finer.	1.20
5A	Graded clothing and stubby, 64s and finer.	1.13
	Territory and Texas One-half Blood—Graded	
8A	Graded strictly staple, 60/64s	1.28
8AA	Graded staple, some good French combing, 60s and finer.	1.26
8B	Graded good French combing, 60s and finer.	1.24
8C	Graded staple and good French combing, bulk 60s, up to 10% 58s allowed.	1.22
8D	Graded average French combing, 60/64s.	1.19
8E	Graded short French combing, 60s and finer, edge of 58s allowed.	1.15
8EE	Graded clothing, 60s and finer, edge of 58s allowed.	1.11

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Con.

[Greasy, Scoured, Carbonized (all prices are sold Boston, Mass.). Effective date, Jan. 1, 1949]

PART I—continued

Class	Description	Clean price per pound
	Territory and Texas Three-eighths Blood—Graded	
9A	Grade strictly staple (56/58s)	$1.15
9B	Graded good French combing and staple (56/58s)	1.13
9C	Graded good French combing and staple (56s)	1.12
9D	Graded average French combing (56/58s).	1.10
9E	Graded clothing (56/58s)	1.02
	Territory and Texas One-quarter Blood—Graded	
10A	Graded staple, strictly 50s	1.07
10B	Graded staple, (50/48s)	1.05
10C	Graded staple (48/50s)	1.03
10D	Graded average to good French combing (48/50s).	1.01
10E	Graded clothing (48s to 50s)	.95
	Territory and Texas Low One-quarter—Graded	
11A	46s	.96
	Territory and Texas Common and Braid	
12A	44s to 36s	.91

PART I–A

	Fine Territory Wool—Original Bag	
2B	Original bag good French combing and staple, only 64s and finer.	$1.28
2C	Original bag good French combing and staple, 64s and finer, up to 25% one-half blood or 60s allowed, but no three-eighths blood.	1.26
3B	Original bag average to good French combing, 64s and finer, up to 25% one-half blood or 60s allowed.	1.24
4B	Original bag average French combing, 64s and finer, up to 25% one-half blood or 60s allowed.	1.21
4BB	Original bag average to short French combing, 64s and finer, up to 25% one-half blood or 60s allowed.	1.17
5B	Original bag clothing 64/60s	1.11
	One-half Blood—Territory—Original Bag	
8F	Original bag good French combing and staple, bulk 60/64s, if any three-eighths blood fleeces are present, lot must be graded.	1.24
8G	Original bag average to good French combing, bulk 60/64s, if any three-eighths blood fleeces are present, lot must be graded.	1.21

PART II

	Texas Wools—Original Bags	
2	Original bag best 12 months, staple and good French combing, 64s and finer.	$1.27
3	Original bag good 12 months, good French combing, some staple, 64s and finer.	1.25
4	Original bag 12 months average to good French combing, 64s and finer.	1.23
5	Original bag 12 months average French combing, 64s and finer.	1.21
6	Original bag 12 months short French combing, 64s and finer.	1.19
7	Original bag 12 months clothing, inferior, poorly bred, bulk 64s.	1.11
8A	Best length 8 months	1.12
8B	Average length 8 months	1.09
8C	Short length 8 months	1.06
9A	Best length fall	1.07
9B	Average length fall	1.04
9C	Short length fall	1.01
	Texas—Original Bag 12 Months Crossbred Types Produced in Central and West Texas Only	
1A	Original bag 12 months staple and good French combing, 64s, edge 60s.	1.26

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Con.

[Greasy, Scoured, Carbonized (all prices are sold Boston, Mass.). Effective date, Jan. 1, 1949]

PART II—continued

Class	Description	Clean price per pound
	Texas—Original Bag 12 Months Crossbred Types Produced in Central and West Texas Only—Con.	
1B	Original bag 12 months good French combing and staple 60/64s.	$1.24
1C	Original bag 12 months average to good French combing 60/64s.	1.21

PART II–A

Skirted wools. Wools which have been fully skirted and skirting packed separately and accompanied the skirted wool may receive premiums over the prices shown for the appropriate classifications in Parts I through III at the discretion of the Appraisers the following amounts:

60s and finer	Up to 7 cents per clean pound.
58s to 48s, inclusive.	Up to 6 cents per clean pound.
46s and coarser.	Up to 5 cents per clean pound.

PART III

Class	Description	Clean price per pound
	Bright and Semibright Fleece—Graded (Including Valley Oregon and East Texas)	
1	Choice graded Delaine, strictly staple, 64s and finer, bright only.	$1.34
2	Average to good graded Delaine, strictly staple, 64s, bright only.	1.31
2A	Graded staple, 64s and finer, bright and semibright.	1.28
3A	Graded average staple and good French combing, 64s and finer, bright.	1.25
3AA	Graded average staple and good French combing, 64s and finer, semibright.	1.23
3B	Graded good to average French combing, stubby out, 64s and finer, bright.	124
3BB	Graded good to average French combing, stubby out, 64s and finer, semibright.	1.22
4AA	Graded average to short French combing, stubby out, 64s and finer, bright and semibright.	1.18
5AA	Graded fine clothing and stubby, 64s and finer, bright and semibright.	1.13
	One-half Blood—Graded	
8A	Graded strictly staple (60s), bright	1.26
8AA	Graded staple (60s) some good French combing, bright.	1.24
8B	Graded staple, 60s and finer, edge of 58s allowed, bright and semibright.	1.22
8C	Graded average to good French combing, 60s and finer, bright and semibright.	1.18
8CC	Graded average to short French combing, 60s and finer, bright and semibright.	1.14
8D	Graded clothing, 60s and finer, edge of 58s allowed, bright and semibright.	1.06
	Three-eighths Blood—Graded	
9A	Graded staple 56/58s	1.11
9B	Graded 56/58s average to good length, clothing out.	1.09
9D	Graded 56/58s average to short French combing.	1.05
9E	Graded 56/58s clothing	.96
	One-quarter Blood—Graded	
10A	Graded strictly 50s staple	1.04
10B	Graded 50/48s staple	1.02
10C	Graded 50s, some 48s, average to good length.	.99
10D	Graded 48s and finer short French combing and clothing.	.93

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Con.

[Greasy, Scoured, Carbonized (all prices are sold Boston, Mass.). Effective date, Jan. 1, 1949]

PART III—continued

Class	Description	Clean price per pound
	Low One-quarter Blood	
11A	46s	$0.93
	Common and Braid	
12A	36s to 44s	.88
	Papermaker Felt Types (Bright and Semibright Only, Territory Not Included	
13A	44s to 48s, long, strong Luster type wool (in lots rigidly graded to meet the requirements of manufacturers of papermaker felt, containing no fleeces failing to meet such requirements).	.99
13B	36s to 44s, long, strong Luster type wool (in lots rigidly graded to meet the requirements of manufacturers of papermaker felt, containing no fleeces failing to meet such requirements).	.96

PART III–A

	Special Types Bright and Semibright	
14	Mid-Southern type clear medium mixed grade, rejects out.	$1.01
15	Southern type clear medium mixed grade, rejects out.	.99
	Territory and Fleece Fed Lamb Wool	
	Worsted lambs wool, if tied fleeces of strictly combing length and free from woolen fleeces, may be appraised under the appropriate classification in Parts I through III. If worsted type untied, woolen type, or mixed woolen and worsted type lambs wool, they shall be scoured before appraisal and appraised under Part IV, par. 1.	
	Burry and Seedy Wools—Territory Texas and Fleece	
16A	Fine and one-half blood	1.04
16B	Three-eights and one-quarter blood	.91

PART IV

Scoured and Carbonized Wools

NOTE: Prices for scoured and/or carbonized wools shall be discounted one (1) percent.

1. *Scoured woolen type wools.* Including Fed Lambs, except California processing type wools:

Class	Grade	Price per pound (scoured and/or carbonized)	
		If unsorted	If sorted
1	60/64s and finer	$1.15	$1.19
2	60s	1.14	1.18
3	58/60s	1.12	1.16
4	58s	1.09	1.13
4A	56/58s	1.06	1.10
5	56s	1.04	1.08
6	50/56s	1.01	1.05
7	48/46s and lower	.90	.94

2. *Processing California type wools:*

A. 8 to 12 months only.

1	60/64s and finer	$1.16	$1.20
2	60s	1.14	1.18
3	58s-60/64s	1.12	1.16
4	58s	1.09	1.13
5	56/58s	1.03	1.07

SCHEDULE OF PURCHASE VALUES FOR DOMESTIC SHORN WOOL FREE OF DEFECT—Con.

[Greasy, Scoured, Carbonized (all prices are sold Boston, Mass.). Effective date, Jan. 1, 1949]

PART IV—continued

Scoured and Carbonized Wools—Continued

2. *Processing California type wools*—Con.

B. For all other California processing wools.[1]

Class	Grade	Price per pound (scoured and/or carbonized)	
		If unsorted	If sorted
6	60/64s and finer	$1.10	$1.14
7	60s	1.09	1.13
8	58/60s	1.07	1.11
9	58s	1.04	1.08
9A	56/58s	1.01	1.05
10	56s	.99	1.03
11	50/56s	.96	1.00
12	48/46s and lower	.85	.89

[1] This group is primarily for mixed Spring and Fall wools. For strictly short Fall and lambs wool, deduct five (5) cents to twenty-five (25) cents from these prices.

3. The value of all other scoured and/or carbonized domestic shorn wool shall be determined by arriving at the proper classification (clean basis) plus the following amounts per pound:

Grade	If unsorted	If sorted
(a) 60s and finer	9¢	13¢
(b) 56s to 58s	8¢	12¢
(c) 48s to 50s	7¢	11¢
(d) 36s to 46s	6¢	10¢

Poorly scoured wools. A minimum discount of two (2) cents a maximum of seven (7) cents per scoured pound shall be made from the applicable appraisal price.

PART V—DISCOUNTS

[*Grease, scoured, or carbonized*]

Black wool and gray wool (grease)—1. *Original bag.* The discount shall be one-third off the grease appraisal price of the white wool. (Figure to the nearest half cent.)

2. *Graded.* The discount shall be one-third off the grease appraisal price of the comparable grade of white wool. (Figure to the nearest half cent.)

NOTE: If the fine and half blood, or the three-eighth and quarter blood are thrown together, the discount shall be one-third of the average grease appraisal price of the comparable grades of white wool. (Figure to the nearest half cent.)

Scoured black and gray wool. The discount shall be thirty (30) cents per pound for 60s or finer, and twenty-five (25) cents per pound for 58s or below, from the corresponding classification for good style, clear white wool.

Sisal or binder twine. The discount shall be ten (10) cents per pound, clean basis, for a lot or any part of a lot tied with sisal or binder twine.

Tender wool. On tender or damaged grease wool the discount shall be three (3) cents per pound to twenty-five (25) cents per pound, clean basis, from the proper classification.

Cotted wool. The discount for cotted wool shall be five (5) cents per pound to twenty-five (25) cents per pound, clean basis, from the proper classification.

Stained wool (scoured or grease). The discount on stained wools shall be from a minimum of two (2) cents per pound, clean basis, for slightly stained, up to a maximum of twenty-five (25) cents per pound, clean basis, for heavily stained.

Feed lot wools (suitable for combing). The discount shall be a minimum of three (3) cents per pound, clean basis, from the proper classification, and a maximum of seven (7) cents per pound. Feed lot wools, woolen or worsted types, offered in the scoured state shall be appraised under Part IV, paragraph 1.

Tags and off wools. On clips appraised in the original bags where all tags are not packed separately by the producer, the clip shall be discounted not to exceed five (5) percent from the grease appraisal price as determined by the Appraisal Committee.

Untied fleeces. Except in the case of Texas 8 months, Texas fall wool, all untied clips shall be discounted two (2) cents per pound from the grease appraisal price.

Kempy wool. Discounts up to ten (10) cents per clean pound may be made from any wool in merchantable condition.

Navajo type wools. Scoured New Mexican, Arizona or Colorado wools showing Kempy fiber and other Navajo characteristics shall be discounted a minimum of five (5) cents and a maximum of ten (10), clean basis or scoured, from the proper territory classification.

Buck wools. 1. Crossbred bucks, no discount.

2. The discount on fine bucks shall be a minimum of three (3) cents and a maximum of seven (7) cents per pound, clean basis, off the comparable ewe wool classification.

Defective wools. (a) Regardless of the State of origin all defective wools containing clover burrs, foxtail, or other vegetable defects, to a degree serious enough to require carbonizing shall be carbonized before appraisal and appraised under Part IV.

(b) All defective wools not requiring carbonizing shall be discounted a minimum of one (1) cent and a maximum of ten (10) cents per pound, clean basis or scoured.

NOTE: Wools containing an occasional hard burr are not subject to discount. This shall also apply to all shorn grease wools which are scoured prior to appraisal.

Scoured paint wool and clips. Appraised at value determined by appraisers.

Karakul fleece. Karakul shall be appraised at twenty (20) cents sold Boston, regardless of the State of origin. Scoured Karakul shall be appraised at forty-five (45) cents sold Boston, regardless of origin.

Pan Handle, Oklahoma, and Kansas wheat field wools. Shall be scoured before appraisal, and appraised under Part IV, paragraph 1. If in the opinion of the area appraiser the wool can be merchandised in the greasy condition, it may be appraised under the proper classification.

PART VI—DOMESTIC SHORN OFF WOOLS

[All prices are sold Boston, Mass.—grease basis]

	Maximum prices
A. Territory and Fleece Offs	*Cents*
Tags: Graders'	14
Tags: Original bag	12
Crutchings (average to good)	21
Crutchings (heavy)	17
Karakul crutchings	11
Grading locks (average to good)	20
Grading locks (heavy)	14
Eye-brows	22
Murrain dead	15
Pulled dead	30
Pulled dead graded (50/58 #1)	43
Pulled dead graded (50/56 #2)	33
B. Texas Offs	
Clear clippings	25
Defective clippings	17
Tags	14
Baby lambs	31
Pulled dead	32
Murrain dead	17
Clear and defective face wools	13
Sweepings	No value

SCHEDULE OF PURCHASE VALUES FOR PULLED DOMESTIC WOOL

[All prices are clean basis or scoured. All prices less 1 percent]

Effective date, Jan. 1, 1949

Worsted Type

Grade	Grease wool (clean basis)		
	Length in inches	Average to Good	Choice
70s	2 and longer	$1.33	$1.36
64s, 70s	2½ and longer	1.31	1.34
	1½ to 2½	1.20	1.23
64s, 60s	2½ and longer	1.29	1.32
	1½ to 2½	1.18	1.21
60s, 64s	2½ and longer	1.28	1.31
	1½ to 2½	1.16	1.19
60s	3 and longer	1.26	1.29
	1½ to 3	1.17	1.20
58s, 60s	3 and longer	1.21	1.24
	1½ to 3	1.13	1.16
58s	3 and longer	1.17	1.20
	2 to 3	1.11	1.14
56s, 58s	3 and longer	1.15	1.19
	2 to 3	1.09	1.13
56s	3½ and longer	1.13	1.18
	2 to 3½	1.07	1.12
50s, 56s	3½ and longer	1.07	1.12
	2 to 3½	1.02	1.07
50s	4 and longer	1.04	1.09
	2 to 4	.97	1.02
48s	4 and longer	1.00	1.05
46s, 48s	4 and longer	.98	1.03
46s	4 and longer	.96	1.04
44s to 50s	4 and longer	.94	1.02
36s, 40s, 44s	4 and longer	.79	.87

Grade	Scoured wool (scoured)		
	Length in inches	Average to Good	Choice
70s	2 and longer	$1.37	$1.40
64s, 70s	1½ and longer	1.26	1.29
64s, 60s	1½ and longer	1.25	1.28
60s, 64s	1½ and longer	1.23	1.26
60s	1½ and longer	1.22	1.25
58s, 60s	1½ and longer	1.18	1.21
58s	2 and longer	1.16	1.19
56s, 58s	2 and longer	1.14	1.18
56s	2 and longer	1.12	1.17
50s, 56s	2 and longer	1.08	1.13
50s	2 and longer	1.06	1.11
48s	4 and longer	1.05	1.10
46s, 48s	4 and longer	1.03	1.09
46s	4 and longer	1.01	1.08
44s, 50s	4 and longer	.99	1.07
36s, 40s, 44s	4 and longer	.84	.92

NOTE: Where scoured worsted type wool contains a maximum of ⅓ woolen type wool more than one (1) inch in length, Appraisers shall deduct a maximum of five (5) cents from the appraisal price for the proper classification. If more than ⅓ is staple less than the minimum length for the grade of scoured worsted type wool, and more than one (1) inch in length, the lot shall be appraised as woolen type wool. An additional discount may be made for woolen type wool one inch and less as set forth below.

Woolen Type

Grade	Grease wool (clean basis)		
	Length in inches	Average to Good	Choice
64s	1½ and under	$1.11	$1.14
60s, 64s	1½ and under	1.08	1.11
60s	1½ and under	1.06	1.09
58s, 60s	1½ and under	1.04	1.07
58s	2 and under	1.03	1.06
56s, 58s	2 and under	1.01	1.05
56s	2 and under	1.00	1.04
50s, 56s	2 and under	.98	1.03
50s	2 and under	.94	.99
48s	4 and under	.95	1.00
46s	4 and under	.93	1.01
44s to 50s	4 and under	.92	1.00
36s, 40s, 44s	4 and under	.77	.85

SCHEDULE OF PURCHASE VALUES FOR PULLED DOMESTIC WOOL—Continued

[All prices are clean basis or scoured. All prices less 1 percent]

Effective date, Jan. 1, 1949

Woolen Type—Continued

Grade	Scoured wool (scoured)		
	Length in inches	Average to Good	Choice
64s	1½ and under	$1.17	$1.20
60s, 64s	1½ and under	1.14	1.17
60s	1½ and under	1.12	1.15
58s, 60s	1½ and under	1.10	1.13
58s	2 and under	1.09	1.12
56s, 58s	2 and under	1.06	1.10
56s	2 and under	1.05	1.09
50s, 56s	2 and under	1.03	1.08
50s	2 and under	.99	1.04
48s	4 and under	1.00	1.05
46s	4 and under	.98	1.06
44s to 50s	4 and under	.97	1.05
36s, 40s, 44s	4 and under	.82	.90

NOTE: Where a percentage of wool 1 inch and less shows in the sample, a minimum deduction of three (3) cents maximum deduction of five (5) cents shall be made from the above prices.

Woolen Type, 1 Inch and Under (Scoured Only)

Grade	Average to Good	Choice
64s	$1.02	$1.05
60s, 64s	.99	1.02
60s	.97	1.00
58s	.95	.98
56/58s	.94	.97
56s	.93	.96
50s	.91	.94
Under 50s	.89	.92

Paint Wools, 1½ Inches and Longer (Scoured Only)

64s	$0.90	$0.93
60s	.88	.91
58/60s	.87	.90
58s	.86	.89
56/58s	.85	.88
56s	.84	.87
50/50s	.82	.85
50, 56s	.80	.83
48, 50s	.78	.81
46, 48s	.73	.76
40, 44s	.54	.56

NOTE: Scoured Paint Wools under 1½ inches, discount five (5) cents from above prices. Paint clips, discount ten (10) cents from above prices.

Off Color Wools, 1½ Inches and Longer (Scoured Only)

Black

Grade	Average to Good	Choice
60s, 64s	$1.06	$1.09
60s	1.04	1.07
58s, 60s	1.01	1.05
58s	.98	1.01
56s, 58s	.96	.99

Gray

64s	$1.04	$1.07
60s	1.01	1.04
58/60s	.99	1.02
58s	.98	1.01
56/58s	.96	.99
56s	.94	.97
56s, 50s	.87	.90
50s, 56s	.85	.88
48s, 50s	.83	.86
46s, 48s	.79	.82
40s, 44s	.56	.59
32s, 36s	.46	.49

NOTE: Black and Gray wools under 1½ inches, discount five (5) cents from above prices.

SCHEDULE OF PURCHASE VALUES FOR PULLED DOMESTIC WOOL—Continued

[All prices are clean basis or scoured. All prices less 1 percent]

Effective date, Jan. 1, 1949

Shank Wools (Scoured Only)

Grade	Average to Good	Choice
56s and finer	$0.53	$0.55
50s to 56s	.41	.43
44s to 50s	.35	.37

Pulled Wools—Discounts

1. *Short wool.* Pulled wools must be appraised as of the single length group which best represents the lot.

Tolerance—Greasy pulled wool. A tolerance of ten (10) percent of shorter length of staple of the same grade of greasy pulled wool will be allowed. The presence of over ten (10) percent of the shorter length will require that the lot be appraised at the shorter length price.

2. *Low wool.* Pulled wools must be appraised as of the single grade classification (single count or split counts) as shown in the schedule, which best represents the lot. Appraisers will at their discretion, discount individual lots up to five (5) cents per pound, clean basis or scoured, or make an appropriate reduction in grade classification to compensate for low wool.

3. *Slight tinge.* Discount two (2) cents per pound, clean basis or scoured, from the prices for choice or average to good classifications.

4. *Stained wools.* Discount up to seven (7) cents per pound, clean basis or scoured, from the prices for average to good classifications.

5. *Defective (seedy and/or burry wools not requiring carbonizing).* Minimum discount one (1) cent per pound maximum discount ten (10) cents per pound, clean basis or scoured, from prices for the average to good classification. If the wool requires carbonizing, it must be carbonized before appraisal.

6. *Poorly scoured wools.* Minimum discount two (2) cents per pound, maximum discount seven (7) cents per pound, scoured, from the price for the average to good classification.

7. *Tender wool.* For wool containing tender staple, minimum discount two (2) cents per pound, maximum discount seven (7) cents per pound, clean basis or scoured, from the average to good classification.

8. *Depilatory.* No discount on normal amount of depilatory. Wool containing a heavy percentage of depilatory may be discounted a maximum of 3 percent from the average to good clean basis or scoured value. Figure to the nearest cent.

9. *Damaged scoured wools.* (Means dead wool, wool damaged by fire, salt or fresh water, and heat.) May be discounted up to a maximum of forty (40) cents per pound, scoured, from the value for the average to good classification.

Carbonized pulled wools. The value of carbonized pulled wool shall be the value such clear wool would have if scoured only.

§ 672.8 *Account sales.* When the handler makes payment for wool, he shall transmit to the person entitled thereto an account sale. In cases where a single shipper's wool is appraised separately, such account sale shall be accompanied by a copy of the Appraisal Committee's certificate, or Appeal Committee's certificate, if any. The handler shall show on the account sale the grade, shrink, weight, and appraisal value of each grade of such wool as shown by the Appraisal Committee's certificate or Appeal Com-

mittee's certificate, if any, in the case of wool that has been grouped into lines.

§ 672.9 *Charges*—(a) *Grading.* Any wool for which the handler has provided grading shall be subject to a grading charge of not to exceed one cent (1¢) per pound of grease wool.

(b) *Scouring and carbonizing.* Any wool scoured or carbonized shall be subject to a charge in an amount not to exceed the actual scouring or carbonizing costs, including the cost of sorting the wool and transporting it from the warehouse to the scouring mills, and, if necessary, from the scouring mills to the place of storage.

(c) *Freight*—(1) *Shorn wool.* In the case of shorn wool there shall be a charge for freight, based on gross shipping weight, as follows:

(i) In the case of wool appraised in Boston, the minimum rail freight rate or rail and water freight, whichever was used, from the point from which freight charges are paid or payable by the handler.

(ii) In the case of wool appraised outside Boston, except where transit privileges are available, the minimum rail freight rate or rail and water freight rate from point from which freight charges are paid or payable by the handler to point of appraisal, whichever was used, plus minimum rail or rail and water freight from point of appraisal to Boston. Where transit privileges are available, the rate shall be the minimum through rail freight rate or rail and water freight rate from point from which freight charges are paid or payable by the handler to Boston.

(iii) In the case of wool shipped by water or where water rates are used in computing freight charge, there shall also be a charge to cover wharfage, and complete marine and war risk insurance.

(2) *Pulled wool.* In the case of pulled wool, if the wool is stored at a point from which the minimum applicable carload rail freight rate to Boston, Massachusetts, exceeds the minimum applicable carload rail freight rate from Chicago, Illinois, to Boston, Massachusetts, there shall be a charge for freight in an amount sufficient to defray the excess.

(d) *Trucking, unloading, or storage-in-transit.* There shall be a charge for trucking or unloading or storage-in-transit of ten cents (10¢) per hundredweight based upon the gross shipping weight of the wool, or the actual cost of such services, if known at the time the charge is made, whichever is higher.

(e) *Handling*—(1) *Shorn wool.* Shorn wool shall be subject to handling charges at not to exceed the following rates:

(i) Two and one-fourth cents (2¼¢) per pound of grease wool or five and one-half cents (5½¢) per pound of scoured or carbonized wool, purchased by CCC in quantities of 5,000 pounds or more.

(ii) Two and three-fourths cents (2¾¢) per pound of grease wool, or six and one-fourth cents (6¼¢) per pound of scoured or carbonized wool, purchased by CCC in quantities of less than 5,000 pounds.

(2) *Pulled wool.* Pulled wool shall be subject to handling charges at not to exceed the following rates: Two and three-fourths cents (2¾¢) per pound of grease wool or three and three-fourths cents (3¾¢) per pound of scoured or carbonized wool.

(f) *Secondary handling or country service.* Wool received through a secondary handler, or wool as to which the handler has performed country service, shall be subject to a secondary handler's charge or country service charge at not to exceed the following rates:

(1) In the case of wool which the secondary handler, pool, or handler has collected in bulk from farms and transported at his or its own expense from farms to country assembly points, rough-graded at his or its own expense, packed at his or its own expense in his or its own bags, stored at his or its own expense prior to shipment to the handler, and delivered or loaded on trucks or cars for shipment to warehouses of the handler other than a local warehouse—two and one-half cents (2½¢) per pound, grease weight, for wool tendered to CCC in lots of 10,000 pounds or more, or one and three-fourths cents (1¾¢) per pound, grease weight, for wool tendered to CCC in lots of less than 10,000 pounds.

(2) In the case of wool which growers have delivered to the secondary handler or pool or handler at country assembly points, including the secondary handler's or pool's or handler's warehouse, and with respect to which the other services specified in subparagraph (1) of this paragraph are performed—two and one-fourth cents (2¼¢) per pound, grease weight, for wool tendered to CCC in lots of 10,000 pounds or more, or one and one-half cents (1½¢) per pound, grease weight, for wool tendered to CCC in lots of less than 10,000 pounds.

(3) In the case of wool with respect to which some but not all of the services specified in either subparagraph (1) or (2) of this paragraph are performed—one and one-half cents (1½¢) per pound, grease weight, for wool tendered to CCC in lots of 10,000 pounds or more, or one cent (1¢) per pound, grease weight, for wool tendered to CCC in lots of less than 10,000 pounds.

(h) *California processing type wools.* California processing type wool, where a country service or secondary handler's charge is not applicable, shall be subject to an additional handling charge of not to exceed one and one-half cents (1½¢) per pound of grease wool to cover the additional expense involved in handling this type of wool.

(i) *Service and appraisal.* Shorn wool shall be subject to a service and appraisal charge of one and one-half cents (1½¢) per pound in the case of grease wool and three and three-fourths cents (3¾¢) per pound in the case of scoured or carbonized wool, and the actual cost (but not to exceed $75.00) of any reappraisal made where the original appraisal was confirmed.

Pulled wool shall be subject to a service and appraisal charge of one and one-half cents (1½¢) per pound in the case of grease wool and two and one-fourth cents (2¼¢) per pound in the case of scoured or carbonized wool, and the actual cost of any reappraisal made where the original appraisal was confirmed.

Nothing herein shall change or affect the contractual rights and obligations under the wool handling agreements entered into by and between the handlers and CCC.

Issued this 19th day of May 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 49-4265; Filed, May 26, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 965—MILK IN CINCINNATI, OHIO, MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 965.1 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand

for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions. Any further delay in the effective date of this order, as amended and as hereby further amended, will seriously disrupt orderly marketing in the Cincinnati, Ohio, marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong.; 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during February 1949 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

1. Replace the period at the end of § 965.6 (a) (3) with a colon and add the following proviso: "*Provided further,* That for any delivery period when the total receipts of milk from producers by all handlers exceed 140 percent of Class I and Class II milk, the price for milk made into Cheddar cheese and butter, except butter made from storage cream, during such delivery period shall be that resulting from the following computation by the market administrator: Subtract 4 cents from the average price per pound of 92-score butter (computed in the manner provided above in this subparagraph) for the delivery period during which such producer milk was received, multiply the result by 4.8; and add an amount computed by subtracting 8.6 cents from the average price of spray and roller process nonfat dry milk solids (computed in the manner provided above in this subparagraph), and multiplying the result by 8.5. The price computed pursuant to this proviso shall not be construed to be the Class III price as applied in any other section of this order."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 24th day of May 1949, to be effective on and after the 1st day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-4259; Filed, May 26, 1949; 8:58 a. m.]

PART 972—MILK IN TRI-STATE MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Tri-State marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during February 1949 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 972.5 (b) the proviso contained therein and substitute therefor the following: "*Provided,* That if, as computed by the market administrator (1) the total quantity of producer

milk classified as Class III milk is less than 12 percent of total producer milk receipts at either Huntington district plants or all fluid milk plants of handlers for the 12-month period ending with the month of August in any year, the prices of Class I milk and Class II milk for the following October, November, December, and January shall be increased 25 cents per hundredweight over the price otherwise applicable pursuant to this paragraph and paragraph (c) of this section; or (2) the total quantity of producer milk classified as Class III milk is more than 18 percent of total producer milk receipts at either Huntington district plants or all fluid milk plants of handlers for the 12-month period ending with the month of February (not February 1949) in any year, the prices of Class I milk and Class II milk for the following April, May, June and July shall be decreased 25 cents under the price otherwise applicable pursuant to this paragraph and paragraph (c) of this section: *And provided further*, That the prices for Class I milk and Class II milk for the months of October through January, inclusive, shall not be lower than the respective prices computed for such classes pursuant to this section for the preceding September, and the prices for Class I milk and Class II milk for the months of April through July, inclusive, shall not be higher than the respective prices computed for such classes pursuant to this section for the preceding March."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; sec. 102, Reorg. Plan I of 1947, 12 F. R. 4534, 3 CFR, 1947 Supp.)

Issued at Washington, D. C., this 24th day of May 1949, to be effective on the 1st day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-4260; Filed, May 26, 1949; 8:59 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Packers and Stockyards Division), Department of Agriculture

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

PETITIONS TO MODIFY OR TO VACATE ORDERS

By virtue of the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921 (42 Stat. 159, 7 U. S. C. sec. 181 et seq.), as amended, the last paragraph of § 202.37 (a) (4) of the rules of practice, as amended, appearing in Title 9, Chapter II, Part 202, CFR, and supplements thereto, is hereby amended to read as follows:

§ 202.37 *Applications for reopening hearings; for rehearings or reargruments of proceedings, or for reconsideration of orders; or for modification or vacation of orders*—(a) *Petition requisite.* * * *

(4) *Petitions to modify or to vacate orders.* * * *

Notice of every such petition of modification which involves an increase of rates and charges lawfully prescribed by the Secretary or any rates and charges for services not theretofore covered by order shall be published in the FEDERAL REGISTER. The contents of the notice shall conform to the requirements contained in the last sentence of § 202.23 (a) and such notice may be signed by the Director of the Livestock Branch or by the hearing clerk.

The foregoing amendment shall become effective thirty days after publication in the FEDERAL REGISTER. (42 Stat. 159, 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 24th day of May 1949. Witness my hand and the seal of the Department of Agriculture.

(Sec. 407, 42 Stat. 169; 7 U. S. C. 228)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-4263; Filed, May 26, 1949; 8:59 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

READILY MARKETABLE SECURITIES

In order that those direct obligations of the United States which are redeemable but not salable may be regarded as readily marketable securities for common trust fund purposes under Part 206, footnote numbered 33 to the last paragraph of § 206.17 (c) (5) is amended, effective May 20, 1949, to read as follows:

[33] A readily marketable security within the meaning of this section means a security which is a direct obligation of the United States or which is the subject of frequent dealings in ready markets with such frequent quotations of price as to make (a) the price easily and definitely ascertainable and (b) the security itself easy to realize upon by sale at any time.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in section 2 (e) of the Board's Rules of Procedure (12 CFR, 262.2 (e)), and especially because, in connection with this permissive amendment, such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11, 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 49-4223; Filed, May 26, 1949; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Explanatory statement. Present Part 49 provides for the transporation by air of certain articles commonly classified as explosives or dangerous articles. Since the carriage of explosives and other dangerous articles is seldom accomplished entirely by air transportation, but generally is combined with some form of surface transportation to bring the items to the aircraft and to take them away after the air lift, it was necessary that applicable Civil Air Regulations governing the transportation of such cargo be coordinated with the Interstate Commerce Commission Regulations which regulate the carriage of such articles by the principal surface carriers. Thus, in promulgating Part 49 in 1945, the Board adopted the various classifications of dangerous articles and the packaging and labeling requirements of the pertinent Interstate Commerce Commission Regulations as effective January 7, 1941.

The selection in 1945 of a few specific items for inclusion in Part 49 as articles acceptable for carriage was based on two criteria. The first of these was that the acceptable items had to be relatively innocuous and had to be safely transportable in aircraft as determined from the technical information then available to the Board. Second, there had to be a demonstrable need for carriage of the particular article. It was believed by the Board that the experience of aircraft operators under Part 49 together with advances of technology would lead to an enlarged list of acceptable materials. The judgment of the Board has been borne out. Experience under the 1945 rule has been excellent. The operators have acquired techniques of handling the articles covered by Part 49 and have demonstrated their fitness to handle a greater variety of such materials. At the same time the rapid development of the air cargo industry has brought to light a need for the inclusion of a greater variety of articles falling into the so-called dangerous category. It is evident, therefore, that a revision of the present Part 49 is in order.

In determining what additional items may be safely transported by air staff members of the Board have consulted with "the Bureau for the Safe Transportation of Explosives", a non-profit private organization devoted to establishing safe transportation practices for explosives and other dangerous articles, and with other transportation specialists. On the basis of the known reactions of explosives and other dangerous articles to variations and extremes of temperature, pressure,

and shock experienced in transit, certain articles have been selected as safe for carriage by air. With exceptions as noted these articles include all those which may be shipped by rail express, although there are certain limitations prescribed on the amounts of some of these substances which may be shipped by air.

While it is believed that the items deemed acceptable in Part 49 include most of those which may be safely carried, further laboratory tests are being conducted by responsible industry and government agencies, and as results of these tests are made known some additional items may be added to those which may be carried.

It will be noted that this procedure is similar to the one followed by the Interstate Commerce Commission. On behalf of the Commission, the Bureau for the Safe Transportation of Explosives analyzes new products and new packaging methods as they are developed in order to permit new items to be shipped by surface transportation and to improve the safety with which existing items are carried. The testing limits presently used by the Bureau for the Safe Transportation of Explosives for rail express compare with actual conditions encountered in air transportation with the possible exception of certain pressure tolerances.

With respect to the effects of reduced pressure on articles coming under the provisions of Part 49, substances which might be affected by pressure changes either are not permitted on aircraft or are permitted only when packed in pressure containers.

Meanwhile certain agencies, including Wright Field, are conducting research on the subject of pressure sensitive materials. The results of their research will be made available to the Board. It will then be decided if any of the restrictions imposed by Part 49 on pressure sensitive materials can be modified.

The Bureau for the Safe Transportation of Explosives has agreed to furnish the Board with such information as it may obtain from time to time with respect to the handling of explosives or other dangerous cargo, and the Board intends to introduce appropriate changes in the lists of acceptable articles for air transportation on the basis of this information and such other data as is made available to it by interested industry groups. In this manner it is believed that lists of acceptable articles may be kept current.

Generally the proposed new part differs from present Part 49 in the following manner: The part will base Civil Air Regulations on the provisions of current ICC Regulations rather than those in effect on a particular date. It will distinguish between articles acceptable on aircraft carrying passengers and articles which may be carried in cargo-only operations. The revised part permits the carriage of an enlarged number of classes of articles in passenger-carrying aircraft. On cargo aircraft almost all of those substances authorized for shipment by rail express service may be carried. At the same time levels of safety have been raised by the prohibition of certain articles permitted by present Part 49 and by the imposition of more restrictive packaging requirements and quantity limitations.

For passenger-carrying aircraft, only those classes of articles listed in § 49.10 of the proposed rule may be carried. The part specifies the packaging and labeling requirements for each of these items since many of these articles are exempt from the usual ICC Regulations packaging and labeling requirements. New classes of articles to be carried in passenger aircraft would have to be added by amendment of the part. Certain articles which might otherwise be included within the classes of articles which are transportable are specifically prohibited from shipment in passenger-carrying aircraft. The list of such articles will be kept current.

For cargo-only aircraft, in addition to articles which may be carried in passenger aircraft, any article may be carried which is listed as acceptable for rail express in Part 72 of the ICC Regulations provided that its carriage is not prohibited by § 49.81. The Board will be advised of all new items to be added to the acceptable list by the ICC so that it may take appropriate measures to regulate or prohibit the carriage of any item deemed an undesirable risk for air transportation. However, unless the Board does take contrary action, any article may be carried as added from time to time.

In all operations, the revised part will require explosives and other dangerous articles to be packed, labeled, and loaded as specifically provided therein or in accordance with the requirements of the ICC Regulations for rail express. We have required that the packing requirements for rail express be used because they are considered more appropriate for air transportation than those applicable to rail freight, as they provide a higher margin of safety against changes in temperature, pressure, and inadvertent damage and shock while in transit.

It is believed that the differences between all-cargo and cargo-passenger operations are of such a nature as to justify less stringent requirements for cargo flights than for mixed operations. Primarily, the difference in the limitations imposed on the two types of operation lies in the maximum quantity provisions which permit small amounts of articles in combination flights and somewhat larger quantities of these materials in all-cargo operations. In addition, a few items are authorized for carriage in cargo flights that are not considered suitable for mixed operations. It will be noted, for example, that in all-cargo operations the cargo can be under surveillance of the crew members since cargo is located in the cabin of the airplane, whereas in joint passenger-cargo operations the cargo compartments, while technically accessible, are not under the eye of the crew. In passenger operations it is, therefore, more difficult to detect such an item as a leaky container or a broken package. In any case, authorization to carry items acceptable for rail express on cargo-only operations is essentially conservative. Rail express requirements are based on the fact that there are many combination cars carrying passengers and express in railroad service, and in point of fact the proximity of passengers to cargo in such cars is somewhat similar to that of crew members to cargo in cargo aircraft. Furthermore, railway express regulations tend to be very conservative since there is an alternate method of shipping dangerous commodities by rail—rail freight. The Board, therefore, believes that these regulations provide appropriate standards of safety for cargo-only and mixed passenger-cargo operations.

It is believed that the safety standards established by this proposed revision are adequate for all known extremes of temperature, pressure, and shock encountered in normal flight by United States operated aircraft throughout the world. However, some special operations may require additional safeguards. When such conditions exist, it would be the responsibility of the operator of the aircraft to evaluate these conditions for a particular operation and to require such special packaging and handling as may be necessary to insure safety.

It is expected that all air carriers who may now have tariffs in force which purport to authorize packing, labeling, or shipment of explosives and other dangerous articles contrary to the provisions of revised Part 49 will withdraw such tariffs prior to the effective date of this part. As a further service to the industry, it is expected that a manual of recommended practices for the handling of explosives and other dangerous articles will be published by the Government. While such a manual is not essential for the safe transportation of these articles, it is believed that it will perform a useful service for those air carriers and shippers whose past experience with such cargo is limited.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of May 1949.

Part 49, as amended, authorizes the transportation of a limited number of items classified as "explosives or other dangerous articles." Since 1942 when regulations on this subject were originally promulgated, the need for rapid transportation of additional articles of such nature has rapidly accelerated. Experience has shown that many articles within this classification can be safely transported by air when appropriately packaged. In view of current information as to safe operating conditions and transportation needs, the Board has revised Part 49 in order to permit a greater number of articles to be carried and to prescribe adequate marking, labeling, and packaging requirements. A more detailed explanation of the basis and purpose of the revised part is attached hereto.

For the reasons stated above the Board finds that the provisions of Part 49, as revised, are necessary to provide adequately for safety of flight in air commerce.

Interested persons have been afforded an opportunity to participate in the revision of this part, and due considera-

tion has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a revision of Part 49 of the Civil Air Regulations (14 CFR, Part 49, as amended) effective July 20, 1949, to read as follows:

Sec.
49.0 Applicability of part.
49.1 Definitions.
49.3 Packing, marking, and labeling requirements.

PASSENGER-CARRYING AIRCRAFT

49.10 Acceptable explosives and other dangerous articles on aircraft carrying passengers.
49.11 Explosives.
49.12 Flammable liquids.
49.13 Flammable solids and oxidizing materials.
49.14 Acids and other corrosive liquids.
49.15 Nonflammable compressed gases.
49.16 Poisonous liquids.
49.17 Poisonous solids.
49.18 Radioactive materials.

CARGO AIRCRAFT

49.41 Articles which may be carried in cargo aircraft.

LOADING AND HANDLING REQUIREMENTS

49.51 Cargo location.
49.52 Pilot notification.
49.53 Damaged or improperly marked articles.
49.54 Quantity limitations.
49.55 Special requirements for radioactive materials.

EXEMPTED ARTICLES

49.61 Aircraft equipment.
49.62 Radioactive materials.
49.63 Additional exempted articles.
49.71 Special authority.
49.81 Prohibited articles.

Appendix A. Items prohibited from transportation by air.

Appendix B. Items prohibited from transportation by air on passenger-carrying aircraft.

AUTHORITY: §§ 49.0 to 49.81 issued under sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply sec. 601, 52 Stat. 1007; 49 U. S. C. 551.

§ 49.0 *Applicability of part.* Explosives or other dangerous articles, including flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, shall not be loaded in or transported by civil aircraft in the United States, or transported anywhere in air commerce in civil aircraft of United States registry except as hereinafter provided.

§ 49.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Explosives.* Those liquids, gases, or solids specified as "Forbidden Explosives," Class A, Class B, or Class C explosives by the ICC Regulations.

(2) *Flammable[1] liquid.* A flammable liquid is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

(3) *Flammable solid.* A flammable solid is a solid substance, other than one classified as an explosive, which is likely under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

(4) *Oxidizing material.* An oxidizing material is a substance such as a chlorate, permanganate, peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

(5) *Corrosive liquids.* Corrosive liquids are those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissue, will cause severe damage to such tissue by chemical action, or which, in case of leakage, will materially damage the aircraft structure or cargo; or which are likely to cause fire when in contact with organic matter or with certain chemicals.

(6) *Compressed gas.* A compressed gas for the purposes of these regulations is defined as any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70° F., or an absolute pressure exceeding 104 pounds per square inch at 130° F., or both; or any liquid flammable material having a Reid[2] vapor pressure exceeding 40 pounds per square inch absolute at 100° F. (See § 49.1 (a) (7) (i) for gases defined and classified as poisonous.)

(i) Any compressed gas, as defined above, shall be classified as a flammable compressed gas if either (*a*) a mixture of 13 percent or less (by volume) with air forms a flammable mixture or (*b*) the flammability range with air is greater than 12 percent regardless of the lower limit.

(7) *Poisonous articles.* Poisonous articles for the purpose of these regulations are divided into four classes defined as follows:

(i) *Extremely dangerous poisons; Class A.* Poisonous gases or liquids of such nature that a very small amount of gas, or vapor of the liquid, mixed with air is dangerous to life. This class includes: chlorpicrin, cyanogen, diphosgene, ethyldichlorarsine, hydrocyanic acid, lewisite, methyldichlorarsine, mustard gas, nitrogen peroxide (tetroxide), phenylcarbylamine chloride, phosgene (diphosgene). (Dilute solutions of hydrocyanic acid of not exceeding 5 percent strength are classed as poisonous articles, Class B.)

(ii) *Less dangerous poisons; Class B.* Poisonous liquids and solids, including pastes and semisolids, are substances of such nature that they are chiefly dangerous by external contact with the body or by their being taken internally as in contaminated food or feeds.

(iii) *Tear gas or irritating substances; Class C.* Tear gases are liquid or solid substances which upon contact with fire or when exposed to air give off dangerous or intensely irritating fumes, such as brombenzylcyanide, chloracetophenone, diphenylaminechlorarsine, and diphenylchlorarsine, but not including any poisonous article, Class A.

(iv) *Radioactive materials; Class D.* A radioactive material is any material or combination of materials with spontaneously emits ionizing radiation. For the purpose of these rules, radioactive materials are divided into three groups, according to the type of radiation emitted at any time during transportation, as follows:

(*a*) *Group I radioactive materials.* Group I radioactive materials are those materials which emit any gamma radiation, either alone or with electrically charged particles or corpuscles.

(b) *Group II radioactive materials.* Group II radioactive materials are those materials which emit neutrons and either or both of the types of radiation characteristic of Group I radioactive materials.

(*c*) *Group III radioactive materials.* Group III radioactive materials are those materials which emit only electrically charged particles or corpuscles (i. e., alpha and/or beta radiation).

(8) *"Unit" of gamma radiation.* "Unit" of gamma radiation is one milliroentgen per hour at a meter for "hard gamma" radiation, i. e., that amount of gamma radiation which will have the same effect on sensitive photographic film as one milliroentgen per hour at a meter of "hard gamma" radiation of radium filtered through ½ inch of lead.

(9) *Passenger-carrying aircraft.* A passenger-carrying aircraft is an aircraft carrying any individual other than a flight crew or crew member, company employee, or an authorized government representative.

(10) *Cargo aircraft.* A cargo aircraft is an aircraft other than a passenger-carrying aircraft which is carrying goods or property.

(11) *Marking.* Marking is the display on the container of the name of the articles inside, as listed in the commodity list of the ICC Regulations.

(12) *Labeling.* Labeling is the display on the container of an appropriate label as specified for a particular class of articles by the ICC Regulations.

(13) *ICC Regulations.* ICC Regulations shall mean the "Interstate Commerce Commission's Regulations for Transportation of Explosives and Other Dangerous Articles," effective January 7, 1941, as amended or revised from time to time[3] (49 CFR, Parts 71–77).

(14) *Aircraft operator.* An operator of aircraft shall include the owner, lessee, or any other person who causes or authorizes the operation of the aircraft.

§ 49.3 *Packing, marking, and labeling requirements.* (a) Unless otherwise specifically provided in this part, explosives or other dangerous articles shipped by air shall be packed, marked, and labeled in accordance with the specifica-

[1] Chapter 39, "Explosives and Combustibles," of Title 18 of the U. S. Code, Public Law 772, 80th Congress, 2d Sess.; 18 U. S. C. 831 et seq., enacted June 25, 1948, which supersedes the Transportation of Explosives Act of March 4, 1921, adopts the term "flammable" in place of the currently-used term "inflammable." As used in this part "flammable" has the same meaning as "inflammable" and "nonflammable" the same meaning as "noninflammable" as used by current ICC Regulations.

[2] American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323).

[3] The regulations referred to may be obtained from the Government Printing Office, Washington 25, D. C., or from the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y.

tions established in Part 72 [4] of the ICC Regulations for transportation by rail express: *Provided,* That liquids shall be packed only in containers which are securely closed, sufficient in strength to prevent any leakage or distortion of the containers caused by change in temperature or altitude during transit, and so filled as to provide adequate outage. All explosives or other dangerous articles shipped by air shall show the proper shipping name as shown in the commodity list of Part 72 of the ICC Regulations and any instructions that are necessary for safe handling.

(b) No shipper shall offer and no air carrier or other operator of aircraft shall knowingly accept explosives or dangerous articles for carriage by air unless the shipper or his authorized agent has certified that the shipment complies with the requirements of this part. No shipment shall be accepted for transportation by passenger-carrying aircraft unless the package shows a clear and plainly visible statement that it is within the limitations prescribed for passenger operations. Any operator of aircraft may rely on such a certificate as prima facie evidence that the shipment so certified complies with the requirements of this part.[5]

PASSENGER-CARRYING AIRCRAFT

§ 49.10 *Acceptable explosives and other dangerous articles on aircraft carrying passengers.* No article listed in Appendices A or B of this part shall be carried on passenger-carrying aircraft, and no other explosive or dangerous article shall be carried in passenger-carrying aircraft except as provided in §§ 49.11 through 49.18.

§ 49.11 *Explosives.* Class C explosives may be carried. Class C explosives shall be packed, marked, and labeled as required by Part 72 of the ICC Regulations. The maximum quantity that may be packed in one outside container is 50 pounds.

§ 49.12 *Flammable liquids.* Flammable liquids may be carried when packed in quantities of not more than one quart in inside metal containers or in quantities of not more than one pint in inside glass or earthenware containers. Each inside container shall be packed in a strong outside container with cushioning and absorbent material where necessary to prevent breakage and leakage: *Provided,* That viscous flammable liquids, such as cement mastics and sealers, may also be carried in quantities of not more than 8 fluid ounces in collapsible tubes which are packed in quantities of not more than 16 fluid ounces in any one strong outside container.

§ 49.13 *Flammable solids and oxidizing materials.* (a) Except for the items listed in subparagraphs (1) through (6) of this paragraph which shall be specially handled as provided therein, flammable solids and oxidizing materials may be carried in quantities of not more than 16 ounces net weight in inside metal or glass containers, suitably cushioned with nonflammable material where necessary to prevent breakage or leakage and packed in strong outside containers. The maximum quantity that may be packed in any outside container is 25 pounds.

(1) *Liquid or solid organic peroxides.* Liquid or solid organic peroxides shall be packed in inside containers of not over one pound or one pint capacity. Not more than one such inside container suitably cushioned with nonflammable material shall be packed in a strong outside container. (See corrosive liquids for hydrogen peroxide.)

(2) *Calcium hypochlorite, dry.* Calcium hypochlorite, dry, containing more than 8.80% available oxygen (39% available chlorine) shall be packed in inside glass or metal containers of not over 5-pound capacity. Each container shall be packed in strong outside containers.

(3) *Matches.* Strike-on-box, book, or card-type matches shall be packed in tightly closed metal inside containers. The maximum quantity of matches that may be packed in any outside container is 25 pounds.

(4) *Picrate of ammonia, picric acid, urea nitrate, trinitrobenzene, and trinitrotoluene.* Picrate of ammonia, picric acid, urea nitrate, trinitrobenzene, or trinitrotoluene, wet with not less than 10% water, may be carried only when shipped as a drug, medicine, or chemical, and shall be packed in a glass container enclosed in a strong fiber carton properly cushioned with nonflammable material in an outside shipping case provided that not more than 16 ounces net content shall be packed in any one outside container.

(5) *Pyroxylin plastics.* Pyroxylin (nitrocellulose) plastics shall be securely enclosed in tight inside metal containers packed in quantities of not more than 25 pounds in strong outside containers.

(6) *Motion picture film.* Motion picture film (nitrocellulose base) shall be packed, marked, and labeled in accordance with the requirements of Part 72 of the ICC Regulations.

§ 49.14 *Acids and other corrosive liquids.* (a) Acids and other corrosive liquids may be carried when packed in bottles of not more than one pint capacity, suitably cushioned with nonflammable material to prevent breakage or leakage, and packed in a metal can. Each can shall be packed in a strong outside container.

(b) Electric storage batteries containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits, and completely and securely boxed, may be carried.

§ 49.15 *Nonflammable compressed gases.* Nonflammable compressed gases may be carried. Shipment shall be made in ICC approved cylinders, and pressures shall not exceed those permitted by the ICC.

§ 49.16 *Poisonous liquids.* Class B poisonous liquids may be carried in quantities of not more than one pint in glass containers, suitably cushioned to prevent breakage or leakage, or not more than one quart in inside metal containers. Each inside container shall be packed in a strong outside wooden or fiberboard box.

§ 49.17 *Poisonous solids.* Class B poisonous solids may be carried:

(a) Except for cyanides which shall be packed as set forth below, Class B poisonous solids shall be packed in tightly closed inside containers of glass, earthenware, or metal, or in lock-corner sliding-lid wooden boxes lined to prevent sifting, of not more than 5 pounds capacity each. Inside containers shall be securely packed in outside fiberboard or wooden containers. Not more than 25 pounds of any such article shall be packed in any one outside container.

(b) Cyanides and cyanide mixtures shall be packed in a tightly closed glass, earthenware, or metal inside container, of not over one pound capacity, securely cushioned and packed in quantities of not more than 5 pounds in outside wooden or fiberboard boxes or in wooden barrels.

§ 49.18 *Radioactive materials.* Radioactive materials—Class D, Groups I, II, and III (liquid, solid, or gaseous) may be carried when packed, marked, and labeled in accordance with the provisions of §§ 73.368 through 73.369 of the ICC Regulations. (See § 49.55 for handling of radioactive materials in aircraft. See also § 49.62 where certain other types of radioactive materials are exempted from certain of the requirements of this part.)

CARGO AIRCRAFT

§ 49.41 *Articles which may be carried in cargo aircraft.* In addition to the articles acceptable for transportation on aircraft carrying passengers, any article acceptable for and packed, marked, and labeled in accordance with the ICC Regulations for transportation by rail express may be carried in cargo aircraft: *Provided,* That no article listed in Appendix A of this part shall be carried except under the provisions of § 49.71. The maximum quantity in any one outside package or container shall not exceed that prescribed in the commodity list of Part 72 of the ICC Regulations.

LOADING AND HANDLING REQUIREMENTS

§ 49.51 *Cargo location.* (a) Articles subject to the requirements of this part shall not be carried in the cabins of passenger-carrying aircraft.

(b) Any article acceptable only for cargo aircraft shall be carried in accessible cargo pits or bins or in the cabin.

[4] Part 72 of the ICC Regulations incorporates the packaging specifications of Part 73 thereof. It will be noted that items exempted from the packaging, labeling, or marking provisions of Part 73 of the ICC Regulations are not exempted from such requirements for shipment by air unless it is expressly so provided in this part.

[5] The following statement on a shipping label signed by a responsible agent of the shipper will be accepted as meeting this requirement: "This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board."

For shipment on passenger-carrying aircraft add the following: "This shipment is within the limitations prescribed for passenger-carrying aircraft."

(c) Articles shall not be placed in the same cargo pit or bin nor placed side by side in cabins so that:

(1) Yellow label material is mixed with either white label or with red label material, or

(2) White label material is mixed with poison label material (red printing on white background).

§ 49.52 *Pilot notification.* When articles subject to the packing, marking, and labeling requirements of this part are carried on aircraft, the operator shall be responsible for notifying the pilot of the proper shipping name of the article as shown in the commodity list of Part 2 of the ICC Regulations, the type of label, quantity, and the location thereof. The pilot notification requirement may be met by entering the required information on the airplane load manifest.

§ 49.53 *Damaged or improperly marked articles.* If any package coming under the provisions of this part appears to be damaged, leaking, or improperly marked and labeled, it shall be removed from the aircraft and shall not be returned to transportation by air until it has been determined that the package and its contents comply with the requirements of this part.

(a) In any instance where it is indicated that the requirements of this part have been violated, a report shall immediately be made to the nearest representative of the Administrator or Board.

§ 49.54 *Quantity limitations.* Except as provided below not more than 50 pounds net weight of any article subject to the packing and labeling provisions of this part may be carried in any one cargo pit or bin on passenger-carrying aircraft, or in any inaccessible cargo pit or bin on any aircraft:

(a) Not more than 150 pounds net weight of compressed nonflammable gas may be carried in any single cargo pit or bin on passenger-carrying aircraft or in any inaccessible cargo pit or bin in any aircraft.

(b) No quantity limit is prescribed for calcium hypochlorite, pyroxylin plastics, motion picture film, or radioactive material Group III.

(c) Not more than 40 units of radioactive material Groups I or II shall be carried on any aircraft.

(d) Except as provided above for inaccessible cargo pits or bins, no quantity limitations apply to the carriage of explosives or other dangerous articles under the provisions of this part in cargo aircraft.

§ 49.55 *Special requirements for radioactive materials.* (a) Whenever any shipment of radioactive materials is damaged or appears to be damaged, it shall be removed from transportation and segregated as far as possible from human contact. The shipper shall immediately be contacted for disposal instructions, and the Administrator or the Board shall also be notified.

(b) Whenever there is any actual spillage of radioactive materias of such nature that the materials are no longer contained within their inner containers, no attempt shall be made to remove or clean up the materials until instructions are received from the shipper or other qualified persons, and then only when necessary protective measures have been taken, and qualified persons are present to supervise the handling.

(c) A container or group of containers of radioactive materials shall not be placed closer than the distance specified in the distance table to any area that may be continuously occupied by crew members or passengers. If more than one such container is present the distance shall be computed from the table below by adding together the number of units shown on the label of each package.

TABLE FOR PERSONNEL SEPARATION [1]

Total number of units: [2]	*Minimum distance to crew members and passengers (feet)* [3]
0–2	1
3–5	2
6–10	3
11–20	4
21–30	5
31–40	6

[1] This table is designed to afford maximum protection to human beings from the effects of radiation and will not protect X-ray film from such effects under all conditions of exposure. Distance separation required by this table for Groups I and II (red label) radioactive materials is not required for Group III (blue label) radioactive materials.

[2] Total number of units refers to the number found on the red label of a single package entered on the line reading, "Radiation Units from Package: No. ." For two or more packages stored together, the total of the numbers of all such packages is meant.

[3] Distance means the number of feet from the nearest edge of the nearest radioactive container.

(d) If any aircraft is engaged principally or entirely in the transportation of radioactive materials, it shall be the responsibility jointly of the shipper and the carrier to monitor all personnel involved so that the accepted limits of personnel radiation exposure are not exceeded.

EXEMPTED ARTICLES

§ 49.61 *Aircraft equipment.* Signalling devices, aviation fuel and oil carried in tanks complying with fuel and oil tank installation provisions of the Civil Air Regulations, and other equipment and materials necessary for the safe operation of the aircraft on which they are carried shall be exempt from the provisions of this part.

§ 49.62 *Radioactive materials.* (a) Radioactive materials which meet all of the following conditions are exempt from packing, marking, and labeling requirements required by this part:

(1) The package shall be such that there can be no leakage of radioactive material under conditions normally incident to transportation.

(2) The package shall contain not more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or not more than that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second.

(3) The package shall be such that no significant alpha, beta, or neutron radiation is emitted from the exterior of the package, and the gamma radiation at any surface of the package shall be less than 10 milliroentgens in 24 hours.

(b) Manufactured articles other than liquids, such as instrument or clock dials of which radioactive materials are a component part, and luminous compounds, when securely packed in strong outside containers are exempt from packing, marking, and labeling requirements, provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours.

(c) (1) Radioactive materials such as ores, residues, etc., packed in strong, tight containers are exempt from packing and labeling requirements for shipment in planeload lots, provided the per planeload radiation intensity at one meter from any outside surface of the load (as loaded in place in the airplane) does not exceed 10 milliroentgens per hour of gamma radiation or equivalent. There shall be no loose radioactive material in the airplane, and the shipment must be braced and lashed so as to prevent leakage or shift of lading under normal conditions of flight.

(2) It is the responsibility of the consignor and/or consignee to supervise, respectively, all loading and unloading operations and to monitor all personnel involved so that the accepted limits of personnel radiation exposure are not exceeded.

(d) Shipments of radioactive materials made by the Atomic Energy Commission or under its direction or supervision, which are escorted by personnel who are specially designated by the Atomic Energy Commission, are exempted from the provisions of these regulations where special arrangements are made with and approval by the Administrator.

§ 49.63 *Additional exempted articles.* The following articles are exempted from the provisions of this part.

(a) *Small arms ammunition.* Small arms ammunition in small quantities for personal use.

(b) *Matches.* Small quantities of matches, of the strike-on-box, book, or card type, carried on the person.

(c) *Pyroxylin plastics.* Articles manufactured from a pyroxylin plastic base such as hairbrushes, combs, and toothbrushes which are exempted from the requirements of the ICC Regulations.

(d) *Safety film.* Film having an acetate base.

§ 49.71 *Special authority.* In emergency situations or where other forms of transportation are impracticable, deviations from any of the provisions of this part for a particular flight may be authorized by the Administrator where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo.

§ 49.81 *Prohibited articles.* No explosive or dangerous article listed in Part 72 of the ICC Regulations as an Explosive A, a Poison A, a forbidden article, or as an article not acceptable for rail express (see § 49.62 for authorization of the carriage of certain radioactive materials), nor any article listed in Appendix

A shall be carried on aircraft subject to the provisions of this part.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

APPENDIX A—ITEMS PROHIBITED FROM TRANSPORTATION BY AIR

EXPLOSIVES

Ammunition for cannon.
Blasting caps, including electric blasting caps.
Blasting caps with safety fuse.
Jet thrust units.
Rocket ammunition.

FLAMMABLE LIQUIDS

Acrolein.
Carbon bisulfide (disulfide).
Nickel carbonyl.
Zinc ethyl.

FLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Acetyl benzoyl peroxide, solid.
Acetyl peroxide, solid.
Burnt cotton (not repicked).
Burnt fiber.
Carbopropoxide stabilized or unstabilized.
Charcoal, wood, screenings, other than "pinon" wood screenings.
Cotton waste, oily, with more than 5% animal or vegetable oil.
Fish scrap or fish meal containing less than 6% or more than 12% moisture.
Garbage tankage containing less than 8% moisture.
Hair, wet.
Iron mass, spent.
Iron sponge not properly oxidized.
Iron sponge, spent.
Matches, strike-anywhere.
Motion picture film scrap (nitrocellulose).
Paper stock, wet.
Rags, oily.
Rags, wet.
Spent oxide.
Tankage, fertilizers.
Tankages, rough ammoniate.
Textile waste, wet
Waste paper, wet.
X-ray film scrap (nitrocellulose base).

COMPRESSED FLAMMABLE GAS

Fluorine.

APPENDIX B—ITEMS PROHIBITED FROM TRANSPORTATION BY AIR ON PASSENGER-CARRYING AIRCRAFT

EXPLOSIVES

Explosives Class B, all.
Chemical Ammunition containing Class B or Class C poisons.

FLAMMABLE LIQUIDS

Ethyl chloride.
Ethyl trichlorosilane.
Ethylene oxide.
Lithium aluminum hydride etheral.
Spirits of nitroglycerin in excess of one (1) percent by weight.
Trichlorosilane.

FLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Acetyl benzoyl peroxide solution.
Bags, nitrate of soda, empty and unwashed.
Benzoyl peroxide.
Calcium chlorite.
Calcium phosphide.
Calcium resinate.
Calcium resinate, fused
Chlorobenzoyl peroxide (para).
Cobalt resinate, precipitated.
Lithium hydride.
Lithium metal (unless exempt from ICC Regulations).
Lithium silicon.
Peracetic acid.
Phosphoric anhydride.
Phosphorous, amorphous, red.
Phosphorous pentachloride.
Phosphorous, white or yellow.
Phosphorous sesquisulfide.
Photographic film scrap (processed, positive or, negative nitrocellulose).
Picric acid, wet, exceeding 16 ounces by weight.
Potassium, metallic and potassium metallic liquid alloy.
Potassium peroxide.
Pyroxylin plastic scrap.
Sodium chlorite.
Sodium metallic and sodium metallic liquid alloy.
Sodium peroxide.
Sodium picramate.
Thorium metal, powdered.
Titanium metal, powdered.
Zirconium, metallic, dry, wet or sludge.

ACIDS AND OTHER CORROSIVE LIQUIDS

Acid sludge.
Allyl chloroformate.
Amil trichlorosilane.
Antimony pentafluoride.
Benzoyl bromide.
Benzoyl chloroformate.
Bromine.
Bromine trifluoride.
Bromo toluene.
Chloracetyl chloride.
Chlorine trifluoride.
Diethyl dichlorosilane.
Dimethyl sulphate.
Diphenyl dichlorosilane.
Difluorophosphoric acid, anhydrous.
Electrolyte or alkaline battery fluid packed with storage batteries, battery chargers, or radio current supply devices.
Ethylphenyl dichlorosilane.
Ethyl chlorofomate.
Ethyl formate.
Fluosulfonic acid.
Hexafluorophosphoric acid.
Hexyl trichlorosilane.
Hydrazine, anhydrous.
Hydrazine solution containing 50% or less of water.
Hydrofluoric acid, anhydrous.
Hypochlorite solution more than 7% chlorine by weight.
Methyl chloroformate.
Mixtures of hydrofluoric and sulphuric acids.
Monofluorophosphoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Nitrohydrochloric acid.
Nitrohydrochloric acid, and dilute.
Octyl trichlorosilane.
Phenylphosphorous oxychloride.
Phosphorous tribromide.
Phosphorous trichloride.
Propyl trichlorosilane.
Spent acid, sulfuric or mixed.
Sulfur chloride.
Thionyl chloride.
Thiophosphoryl chloride.

COMPRESSED GASES

All flammable gases.
Nonflammable gases as follows:
Anhydrous ammonia.
Boron trifluoride.
Chlorine.
Hydrogen bromide.
Hydrogen chloride.
Nitrosyl chloride.
Sulfur dioxide.

POISONOUS ARTICLES

Aniline oil.
Chemical ammunition.
Hydrocyanic acid solutions.
Methyl bromide.
Motor fuel antiknock compound.
Phenyldichlorarsine.
Tetraethyl lead.

[F. R. Doc. 49-4249; Filed, May 26, 1949; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5593]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN SHUTTLE MANUFACTURERS' ASSN. ET AL.

§ 3.7 *Aiding, assisting, and abetting unfair or unlawful act or practice:* § 3.27 (h) *Combining or conspiring—To enhance, maintain or unify prices.* I. In or in connection with the offering for sale, sale or distribution in commerce, of shuttles, and on the part of eight corporations and ten individuals, engaged in their corporate, individual, or partnership capacities in the manufacture of such products, and on the part of their officers, agents, representatives and employees, entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of them and others not parties hereto, to (1) establish, fix, or maintain prices, terms, or conditions of sale, for said products, or adhere to or promise to adhere to any price, terms or conditions of sale so established, fixed or maintained; (2) hold or participate in any meeting, discussion or exchange of information among themselves, or under the auspices of respondent American Shuttle Manufacturers' Association, or any of its officers or employees, or any other medium or central agency, for the purpose of discussing or with the effect of planning or devising methods of fixing, establishing or maintaining prices, terms or conditions of sale for said products; (3) exchange, distribute, or relay among themselves, or any of them, or through said association, or any of its officers or employees, or any other medium or central agency, price lists or other information showing current or future prices, terms or conditions of sale for said products, or other information concerning prices, terms or conditions of sale to be charged or offered by any respondent manufacturer in any future sales transaction; (4) formulate or put into operation any other plan or practice which has the purpose or the tendency or effect of fixing prices for the products manufactured by the respondent manufacturers or of otherwise restricting, restraining or eliminating competition in the sale and distribution of such products; or, (5) employ or utilize said association, or any of its officers or employees, or any other medium or central agency, as an instrumentality, vehicle or aid in performing or doing any of the acts or practices prohibited by the order; and, II, knowingly aiding, assisting, advising or cooperating with the aforesaid respondents, or any of them, in performing any of the acts or practices or doing any of the above things above prohibited, on the part of respondent American Shuttle Manufacturers' Association, and its officers, agents, representatives and employees; prohibited. (Sec. 5, 38 Stat.

719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, American Shuttle Manufacturers' Association, Docket 5593, April 6, 1949]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 6th day of April A. D. 1949.

In the Matter of American Shuttle Manufacturers' Association, an Unincorporated Trade Association; U. S. Bobbin & Shuttle Co., a Corporation; Lowell Shuttle Company, a Corporation; The David Brown Company, a Corporation; New Bedford Shuttle Company, a Corporation; Ruth Burchill Forrest, an Individual Doing Business as Penn Reed & Harness Company; The Pavia Shuttle Company, a Corporation; Watson-Williams Manufacturing Company, a Corporation; Edward F. Atkinson, an Individual Doing Business as Jacob Walder Company; Jas. H. Billington Co., a Corporation; Mrs. Vaughn S. Hall, Annie L. Storms, Sarah A. Roe, Mary S. Warburton, Albert H. Morehead, John Hall, Abram T. Hall, and James Warburton, Copartners Doing Business as I. A. Hall & Company; and Steel Heddle Manufacturing Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the joint answer of the respondents, in which answer said respondents admit, with certain exceptions, all of the material allegations of fact set forth in the complaint and state that they waive all intervening procedure and further hearings as to said facts, and a stipulation of facts supplementing the answer, entered into by and between counsel for the respondents and counsel in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents U. S. Bobbin & Shuttle Co., Lowell Shuttle Company, The David Brown Company, New Bedford Shuttle Company, The Pavia Shuttle Company, Watson-Williams Manufacturing Company, Jas. H. Billington Co., and Steel Heddle Manufacturing Company, and their officers, and Ruth Burchill Forrest, individually and doing business as Penn Reed & Harness Company, Edward F. Atkinson, individually and doing business as Jacob Walder Company, and Mrs. Vaughn S. Hall, Annie L. Storms, Sarah A. Roe, Mary S. Warburton, Albert H. Morehead, John Hall, Abram T. Hall and James Warburton, individually and as copartners doing business as I. A. Hall & Company, and said respective respondents' agents, representatives and employees, in or in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of shuttles, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices or things:

(1) Establishing, fixing or maintaining prices, terms, or conditions of sale, for said products, or adhering to or promising to adhere to any price, terms or conditions of sale so established, fixed or maintained.

(2) Holding or participating in any meeting, discussion or exchange of information among themselves, or under the auspices of the American Shuttle Manufacturers' Association, or any of its officers or employees, or any other medium or central agency, for the purpose of discussing or with the effect of planning or devising methods of fixing, establishing or maintaining prices, terms or conditions of sale for said products.

(3) Exchanging, distributing, or relaying among themselves, or any of them, or through the American Shuttle Manufacturers' Association, or any of its officers or employees, or any other medium or central agency, price lists or other information showing current or future prices, terms or conditions of sale for said products, or other information concerning prices, terms or conditions of sale to be charged or offered by any respondent manufacturer in any future sales transaction.

(4) Formulating or putting into operation any other plan or practice which has the purpose or the tendency or effect of fixing prices for the products manufactured by the respondent manufacturers or of otherwise restricting, restraining or eliminating competition in the sale and distribution of such products.

(5) Employing or utilizing the American Shuttle Manufacturers' Association, or any of its officers or employees, or any other medium or central agency, as an instrumentality, vehicle or aid in performing or doing any of the acts or practices prohibited by this order.

It is further ordered, That the respondent American Shuttle Manufacturers' Association, and its officers, agents, representatives and employees, do forthwith cease and desist from knowingly aiding, assisting, advising or cooperating with the aforesaid respondents, or any of them, in performing any of the acts or practices or doing any of the things prohibited in the paragraphs numbered (1) to (5), inclusive, of this order.

It is further ordered, That each of the respondents shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-4211; Filed, May 26, 1949; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABELING OF FOODS CONTAINING MONOSODIUM GLUTAMATE

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy is issued.

On April 11, 1940, in a trade correspondence letter designated as TC 233, the Food and Drug Administration expressed the following opinion:

§ 3.10 *Notice to manufacturers and users in food products of monosodium glutamate.* Monosodium glutamate when added to a food is considered to be an artificial flavor, as defined in the regulations under section 403 (k) of the Food, Drug, and Cosmetic Act * * *. When added to a food the presence of an artificial flavor must be declared on the label. Monosodium glutamate may be declared as "artificial flavor," "artificially flavored," "Monosodium glutamate, an artificial flavor"; or "Vegetable protein derivative, an artificial flavor." If in any case the addition of monosodium glutamate has the effect of concealing damage or inferiority, or of making the article appear to be of better or greater value than it is, the article would be classed as adulterated even though the label delclared the presence of the artificial flavor.

In the light of information now before the Food and Drug Administration on the manner of use of monosodium glutamate in foods, this Agency is not disposed to maintain the position that monosodium glutamate be designated as an artificial flavoring on labels of foods to which it is added. Where it is used as an ingredient in a food for which a standard of identity has not been promulgated under the Federal Food, Drug, and Cosmetic Act, its presence should be declared on the label by its common or usual name, monosodium glutamate, in compliance with section 403 (i) (2) of the act. Since none of the standards of identity for food so far promulgated under section 401 provide for the inclusion of monosodium glutamate as an optional ingredient, this substance may not be used in such standardized foods unless and until the appropriate standards are amended after hearing. If in any case the addition of monosodium glutamate has the effect of concealing damage or inferiority, or of making the article appear to be of better or greater value than it is, the article would be classed as adulterated regardless of labeling.

(Sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a))

Dated: May 20, 1949.

[SEAL] J. DONALD KINGSLEY, *Acting Administrator.*

[F. R. Doc. 49-4235; Filed, May 26, 1949; 8:49 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING FOR THE REGULAR ARMY AND AIR FORCE

Part 571 is revised to read as follows:

Sec.
571.1 Qualifications for enlistment.
571.2 Periods and grades.
571.3 Assignment.
571.4 Transportation.

AUTHORITY: § 571.1 to 571.4 issued under 41 Stat. 765; 10 U. S. C. 42.
DERIVATION: SR 615–105–1, April 15, 1949.

§ 571.1 *Qualifications for enlistment*—(a) *General.* The purpose of this part is to provide information and set forth qualifications for enlistment in the Regular Army and Air Force. Instructions concerning enlistment of women and enlistments for service other than Regular Army and Air Force are contained in current Army and Air Force directives.

(b) *Definition.* The term "enlistment" as used in this part, unless otherwise specified, includes reenlistment of Regular Army and Air Force personnel, enlistment of former Army of the United States personnel, and original enlistment of personnel without prior Army or Air Force service.

(c) *Age.* The age qualifications for enlistment are: (1) Seventeen to thirty-four years, inclusive, except as provided below.

(2) Thirty-five years and over but less than fifty-five years of age for those men who have had a minimum of 3 years' prior active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard (at least 3 months of which must have been Army or Air Force service), provided their age, at the time of application for such enlistment, is not greater than thirty-five plus the length of their prior active Federal service in completed years of honorable service. A former member of the Navy, Marine Corps, or Coast Guard without prior Army or Air Force service who is 35 years of age or older cannot be enlisted in the Regular Army or Air Force.

(3) For every applicant for enlistment from civilian life who states he is under 21 years of age, or whose personal appearance belies a claim of greater age, the recruiting officer will verify age by requiring the applicant to present a birth certificate or a statement from the State Registrar of Vital Statistics, or other similar State official. Where the age of applicant cannot be verified by a birth certificate and the State Registrar of Vital Statistics, or similar State official, states that there is "no record" of the birth of the individual, for Army applicants only, action will be taken to obtain substantiating data regarding age in the following sequence:

(i) Baptismal record or a certified copy.

(ii) A certificate from the physician in attendance at birth.

(iii) A sworn statement from one or both parents.

(iv) A notarized copy of the school record from the first school attended showing date of birth or age on attendance.

(v) Verification by recruiting officer of birth date recorded in family Bible, exercising care that entry is in proper chronological sequence and that it has not been altered.

(vi) As a last resort, a Bureau of Census unnumbered form, subject: Application for Requesting a Search of Census Records, completed for applicant and forwarded to the Bureau of Census requesting report of first census taken after birth. (Forms may be procured from The Adjutant General or from the Bureau of Census.)

(4) An applicant who is 17 years of age but has not reached his eighteenth birthday will be required to furnish written consent of his parents or guardian. If he has neither parents nor guardian, a statement to the effect will be included under item 39 of the enlistment record. The written consent will:

(i) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either parent objects.

(ii) Include a statement of date of birth of applicant and a statement as to length of enlistment for which consent is granted.

(iii) Include no written or oral qualifications relative to allotments of pay, special training, or service in any particular arm or service, or at a certain post or locality.

(iv) Be notarized.

(v) Be signed in duplicate and fastened securely to the original and duplicate copies of the enlistment record.

(vi) Duplication of the consent agreement on 8- by 10-inch paper is authorized.

CONSENT AGREEMENT

Place _____
Date _____

I/We[1] certify that I am/we are[1] the (Parent) (parents) (legal guardian)[1] of _____, who
(First, middle, last name of applicant)
was born _____ _____ _____ at
(Day) (Month) (Year)
_____ _____ and I/we[1]
(City or county) (State)
hereby give my/our[1] consent to his enlistment in the Regular Army or Regular Air Force for a period of _____ years.

_____
(Signature of applicant's father)

_____
(Complete address)

_____
(Signature of applicant's mother)

_____
(Complete address)

_____
(Signature of legal guardian, if applicable)

_____
(Complete address)

Subscribed and sworn to before me this _____ day of _____ 19____, at _____

SEAL _____
(Signature of notary)

[1] Strike out words not applicable.

(5) Men last discharged from the Regular Army or the Air Force with an honorable or general discharge and commissioned officers or warrant officers relieved from active duty under honorable conditions may be enlisted in the Regular Army or Air Force within 90 days after date of such discharge or relief from active duty, without regard to the maximum age restrictions prescribed above.

(d) *Citizenship.* A male applicant who is otherwise qualified may be enlisted if he is:

(1) A citizen of the United States.

(2) An alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States. Only those declarant citizens who can present the triplicate copy of Declaration of Intention (United States Department of Justice; Immigration and Naturalization Service Form N–315) duly authenticated by a Federal District Court, are eligible for enlistment under this authority.

(3) A Puerto Rican who presents satisfactory evidence that he has permanently changed his residence to the continental United States. (An insular Puerto Rican native resident is authorized to enlist in Puerto Rican units of the Regular Army in the Caribbean Command only, under special instructions issued by the Department of the Army.)

(e) *Physical qualifications.* (1) Applicants for enlistment must meet fully the physical qualifications for acceptance as prescribed in AR 40–115. (Army regulations pertaining to physical standards and physical profiling for enlistment and induction).

(2) Applicants for enlistment in either the Army or the Air Force who were last discharged by reason of physical disability will not be accepted for enlistment without prior approval from The Adjutant General for Army applicants and from the Chief of Staff, United States Air Force, for Air Force applicants, even though they currently meet the physical standards prescribed in Army and Air Force directives. Request for waiver of prior discharge by reason of physical disability will be accompanied by a report of physical examination and physical profile, including a detailed description and current evaluation of the physical defect responsible for the individual's discharge.

(f) *Character check.* Applicants for enlistment, except those reenlisting within 90 days from date of discharge from the Army or Air Force, will be required to present three letters of recommendation from reputable citizens, such as school teachers or administrators, local government officials, clergymen, law enforcement personnel, professional men (doctors, lawyers, etc.), or others of equivalent standing in the community. The recruiter will take every reasonable precaution to insure that the letters submitted are genuine.

(g) *Enlistment of men with dependents*—(1) *Regular Army.* Effective May 1, 1949, applicants from civilian life with dependents, including those who reenlist within 90 days from date of discharge, are authorized to enlist in the Regular

Army only if entitled to enlistment in grade four or higher.

(2) *Air Force.* Applicants from civilian life with dependents are authorized to enlist in the Air Force only if entitled to enlistment in grade three or higher; however, men reenlisting within 90 days from date of discharge from the Air Force, even though not entitled to enlistment in one of the first three grades, may be reenlisted without regard to the number of dependents.

(3) *Waivers.* In especially meritorious cases of men with long periods of honorable service (normally 6 years or more) who do not meet the requirements of this paragraph, waivers may be granted by Army commanders or major oversea commanders for Army enlistees only.

(h) *Regular Army enlistment restrictions for men last discharged below grade five.* (1) Effective May 1, 1949, enlistments and reenlistments in the Regular Army of men with prior service, in any of the armed forces (Army, Navy, Air Force, Coast Guard, and Marine Corps), who are discharged on or after the aforementioned date, are restricted to men who were discharged in the following grades:

(i) Individuals with 24 months or more of prior service are eligible to enlist in the Regular Army only if discharged in grade five or higher.

(ii) Individuals with less than 24 months of prior service are eligible to enlist in the Regular Army only if discharged in grade six or higher.

The restrictions imposed in this paragraph apply to men with prior service enlisting from civilian life and to men reenlisting from within the service.

(2) In especially meritorious cases of men with long periods of honorable service (normally 6 years or more) in the Army, who do not meet the requirements prescribed in subparagraph (1) of this paragraph, waivers may be granted by Army commanders or major oversea commanders.

(i) *Classes ineligible for enlistment.* The following personnel are ineligible for enlistment unless the disqualification is waived as indicated. Those disqualifications for which authority to grant waivers is not listed below will be waived only by The Adjutant General for Army applicants and by the Chief of Staff, United States Air Force, for Air Force applicants. Requests for waivers will be forwarded only in those cases which, as a result of complete investigation the recruiting officer determines to be especially meritorious. Waivers granted hereunder will be valid for a period of 60 days from date of issuance, unless otherwise indicated.

(1) Aliens, except those who have made legal declaration of their intent to become United States citizens. (See paragraph (d) (2) of this section.) No waivers will be granted.

(2) *Applicants who are over age.* The commanding officer of each recruiting district and each major oversea commander is authorized to grant age waivers to otherwise qualified and desirable applicants for enlistment in the Regular Army only, who have 3 months or more of prior active Federal Army or Air Force service, provided their age does not exceed 37 plus the number of years of such prior active service.

(3) Men last separated from any of the armed forces with other than an honorable discharge or general discharge, with the exception of general prisoners authorized to enlist under Army and Air Force directives.

(4) Men last discharged from the Army or Air Force under the provisions of AR's 615–368 (Unfitness) or 615–369 (Inaptitude or Unsuitability) or paragraphs 4 a or b, or 6, AR 615–367 (Resignation), and men last discharged from the Navy, Coast Guard, or Marine Corps by reason of unsuitability or inaptitude. No waivers will be granted.

(5) Men last discharged under the provisions of AR 615–366 (Misconduct).

(6) Former commissioned officers or warrant officers, last separated either as a direct result of reclassification proceedings, or by resignation in lieu of reclassification proceedings.

(7) Insane or intoxicated persons. No waivers will be granted.

(8) Men last discharged by reason of dependency or hardships, unless the cause for which discharged has been removed. The burden of proof that the cause for which discharged no longer exists rests upon the applicant for enlistment and will be furnished in the form of affidavits or sworn statements, executed by the person or persons on whose behalf the dependency discharge was secured, or another member of the community who is thoroughly familiar with the home conditions of applicant's family. The facilities of Selective Service or the American Red Cross will not be used to secure this evidence. The documentary evidence will be fastened to the original enlistment record and will become a part of applicant's permanent records. Provided adequate proof is presented to the recruiting officer, enlistment processing may continue without reference to higher headquarters, except that Air Force applicants last discharged by reason of dependency or hardship, who apply for enlistment in the Air Force within 1 year from date of such discharge, will not be accepted for enlistment unless a waiver is granted by the Chief of Staff, United States Air Force. Documentary proof that condition for which previously discharged no longer exists will accompany requests for waiver.

(9) *Felons.* The Adjutant General may authorize enlistment in the Regular Army of especially desirable men who have been imprisoned under the sentence of a civil court for a felony. Investigation will be made and a report, including letters from at least three reputable citizens who are acquainted with the individual, will be submitted through channels to The Adjutant General. No waivers will be granted for Air Force enlistees.

(10) Men who have been imprisoned under sentence of civil court for other than a felony and men who have had frequent difficulty with law enforcement agencies or who have criminal tendencies, a history of anti-social behavior, or who are of questionable moral character. The commanding generals of armies and major oversea commands may grant a waiver for enlistment in the Regular Army for this category of applicants if, as a result of investigation conducted in accordance with the procedure outlined in subparagraph (9) of this paragraph, it is determined that applicant will be an asset to the service. A record of adjudication of conduct by a juvenile court in the State of Ohio or by a juvenile court of any other State having a similar law is not a bar to enlistment. No waivers will be granted for Air Force enlistees, except in meritorious cases in which juvenile delinquency is involved.

(11) Men who have criminal charges filed and pending against them alleging a violation of State, Federal, or Territorial statute but as an alternative to further prosecution, indictment, trial, or incarceration for such violation, are granted by a court, a release from the charge on the condition that they will apply and are accepted for enlistment in the Regular Army or Air Force. No waivers will be granted.

(12) Men under parole or probation from any civil court. No waivers will be granted.

(13) Men who have an active or chronic venereal disease. No waivers granted.

(14) Men who apply for enlistment from civilian life and who claim prior honorable service in the armed forces, but who are unable to produce their discharge certificate or other written evidence of last active service, until verification of such service is received from The Adjutant General, or the Chief of Staff, United States Air Force.

(15) Applicants from civilian life who fail to meet the prescribed mental standards. No waivers will be granted.

(16) Men who are illiterate. No waivers will be granted.

(17) Men who have had prior service in the Army, Navy, Air Force, Coast Guard, or Marine Corps whose total time lost under Article of War 107 (or time lost under similar circumstances in the Navy, Coast Guard, or Marine Corps) was 60 days or more for Army applicants or 30 days or more for Air Force applicants during their last enlistment or period of active service.

(18) Men who have made application for retirement and have not withdrawn such application. No waivers will be granted.

(19) Men who are on a retired status from the Regular Army or Air Force, whether retired for disability or length of service. No waivers will be granted.

(20) Men receiving disability pension or compensation from the Veterans' Administration, unless such pension or compensation is waived by the individual at time of enlistment.

(21) Men receiving retired or retainer pay from the Navy, Marine Corps, or Coast Guard. No waivers will be granted.

(22) Selective Service registrants who have received orders from their local board to report for pre-induction physical and mental examinations, or to report for induction, unless the order has been canceled and release is obtained from the local Selective Service Board.

§ 571.2 *Periods and grades*—(a) *Periods of enlistment.* (1) Enlistments and reenlistments are authorized in the Regular Army and in the Air Force for 3, 4, 5, or 6 years, at the option of the individual enlisting.

(2) In addition to the options authorized in subparagraph (1) of this paragraph, individuals who were discharged from the Army or Air Force in one of the first three enlisted grades and who reenlist within 90 days from date of last discharge are authorized to reenlist in the Regular Army or Air Force for an unspecified period of time on a career basis. An individual whose last period of active Federal service in the Army or the Air Force was in the status of a commissioned officer or warrant officer is eligible for enlistment under the provisions of this subparagraph, provided such individual was serving on Federal active duty in one of the first three enlisted grades immediately prior to entry on active duty as a commissioned officer or warrant officer; such commissioned or warrant officer service has been continuous since entry thereon; and enlistment is accomplished in one of the first three enlisted grades within 90 days from date of relief from active duty (6 months from date of relief from active duty if enlistment is accomplished under the provisions of paragraph (c) (2) of this section.

(3) In addition to the options prescribed in subparagraphs (1) and (2) of this paragraph, enlistments are authorized in the Regular Army for 21 months for men who are 19 years of age but who have not reached their twenty-sixth birthday, and who have not heretofore served for more than 1 year in the armed forces prior to June 24, 1948, or more than 90 days between December 7, 1941 and September 12, 1945, or 3 years or more at any time. (Proof of age as prescribed in paragraph (b) (3) of this section is mandatory for all applicants.) All enlistments under this option will be made for Regular Army Unassigned. Enlistees will incur the following service obligation:

(i) They will be required to complete 21 months active service.

(ii) Thereafter, if qualified, they will be transferred to a Reserve component and required to serve therein for a period of 5 years after such transfer unless discharged earlier, except that, if they serve satisfactorily:

(*a*) On active duty in the Army under a voluntary extension of one or more years, or

(*b*) In an organized unit of a Reserve component for a period of at least 36 months,

they will be relieved from further liability to serve in any Reserve component except in time of war or national emergency declared by Congress.

(b) *Grades for enlistment; former enlisted men and individuals with no prior service*—(1) *Grades for enlistment.* Applicants for enlistment in the Regular Army or Air Force will be enlisted in the grades specified below.

(i) Individuals honorably discharged from the Army or the Air Force, except those men discharged under the provisions of AR 615–367 (Resignation), may enlist in the grade held at time of such discharge, provided they enlist for 3, 4, 5, or 6 years (or for an unspecified period of time, if eligible) within 90 days from date of last discharge. (Reservists recalled to active duty for training purposes (for a period of 90 days or less) are not eligible for enlistment under the provisions of this subparagraph, even though enlistment is accomplished within 90 days from date of separation from such active duty training status. Reservists recalled to extended active duty, as distinguished from training, are eligible for enlistment in a grade to be determined by the appropriate Army commander, or the Chief of Staff, United States Air Force, not lower than that authorized by Army and Air Force directives, nor higher than that held at date of release from active duty, provided application for enlistment is made within 20 days after date of release from active duty.)

(ii) Certain applicants who are not eligible to enlist in the Regular Army or Air Force in a grade higher than the seventh grade under the provisions of subdivision (i) of this subparagraph, may be enlisted in grades commensurate with their prior training and experience as specifically authorized in Army and Air Force directives, except that enlistments of individuals last discharged under the provisions of paragraph 3, AR 615–367, will be accomplished in a grade which is at least one grade lower than that held at time of last discharge.

(iii) Individuals who have had satisfactory active service in the Army, Navy, Air Force, Coast Guard, or Marine Corps of at least 4 months and who are otherwise qualified and acceptable, if not eligible to enlist in a higher grade, will be enlisted in grade six.

(iv) Civil Air Patrol Cadets possessing appropriate certificates of proficiency indicating they have completed successfully the 3-year CAP program may be enlisted in the Air Force in grade six.

(v) All other applicants, except as authorized in paragraph (c) of this section, will be enlisted in grade seven.

(2) *Date of rank and warrant.* Men enlisted in grades higher than grade seven, under the provisions of subparagraph (1) (i) of this paragraph, will be given the same date of rank as that held at time of discharge from last active service. The grades in which men are enlisted under this paragraph are permanent.

(c) *Grades for enlistment; former officers, warrant officers and flight officers*—(1) *Grades for enlistment.* (i) An applicant for enlistment whose last period of active service in the Army or the Air Force was in the status of commissioned officer or warrant officer, whose release from such status was under honorable conditions, and who enlists for 3, 4, 5, or 6 years (or for an unspecified period of time, if eligible) within 90 days from date of release from active service, will be enlisted in grade one, except as prescribed in (*a*), (*b*), or (*c*) of this subdivision. (Reservists recalled to active duty for training purposes (for a period of 90 days or less) are not eligible for enlistment under the provisions of this subparagraph, even though enlistment is accomplished within 90 days from date of separation from such active duty training status.)

(*a*) An applicant for enlistment whose last period of active service was in the status of commissioned officer or warrant officer, if enlistment in the Air Force is desired, will be enlisted in a grade to be prescribed by the Chief of Staff, United States Air Force.

(*b*) In addition to the exception cited in (*a*) of this subdivision, an applicant for enlistment whose last period of service was in the status of a commissioned officer or warrant officer in the Air Force, if enlistment for assignment other than Air Force is desired, will be enlisted in a grade to be prescribed by the appropriate Army commander or head of administrative or technical service concerned. (This subparagraph does not apply to commissioned officers and warrant officers of the Army on duty with the Air Force.)

(*c*) In addition to the exceptions cited in (*a*) and (*b*) of this subdivision, an applicant whose last period of active service in the status of a commissioned officer or warrant officer commenced subsequent to March 22, 1948, is not eligible for enlistment in grade one under this authority. Enlistment grade will be determined as prescribed in subdivision (ii) of this subparagraph.

(ii) An applicant for enlistment whose last period of active service in the Army or the Air Force was in the status of commissioned officer, warrant officer, or flight officer, whose release from status was under honorable conditions, and who is not eligible to enlist under the provisions of subdivision (i) of this subparagraph may be enlisted in a grade commensurate with his prior training and experience, as specifically authorized in Army or Air Force directives.

(2) *Reenlistment of former Regular Army or Air Force enlisted men who served on active duty as Reserve officers or who were discharged to accept commissions as officers or appointments as warrant officers.* Former Regular Army or Regular Air Force enlisted men who served on active duty as Reserve officers or who were discharged to accept temporary commissions or appointments as warrant officers, provided service as a commissioned officer or warrant officer terminated honorably and application for reenlistment is made within 6 months after termination of such officer or warrant officer service, may be reenlisted in grades prescribed in subdivisions (i), (ii), (iii), and (iv) of this subparagraph, without regard to any physical disqualification incurred or having its inception, while on active duty in line of duty, and without regard to whether or not a vacancy exists in the appropriate enlisted grade:

(i) Any enlisted man of the Regular Army or Air Force who serves on active duty as a Reserve officer or who is discharged to accept a temporary commission in the Army or Air Force is entitled to reenlist in the Regular Army or Air Force in the permanent enlisted grade

held immediately preceding such commissioned service.

(ii) Any enlisted man in the Regular Army or Air Force who is discharged to accept a temporary appointment as a warrant officer in the Army or Air Force is entitled to reenlist in the Regular Army or Air Force in the permanent enlisted grade held immediately preceding such warrant officer service.

(iii) Any enlisted man of the Regular Army or Air Force who is discharged to accept a temporary appointment as a warrant officer in the Army or Air Force and such temporary appointment as a warrant officer is terminated to accept a temporary commission in the Army or Air Force, will be entitled to reenlist in the Regular Army or Air Force in the permanent enlisted grade held immediately preceding such warrant officer service.

(iv) Former Regular Army or Air Force enlisted men who held permanent specialist ratings immediately preceding the commissioned or warrant officer service will be reenlisted in grades indicated in the conversion table below, if otherwise qualified as prescribed in this subdivision.

Old grade and rating	Reenlistment grade	
	Army	Air Force
Private first class, specialist first class.	Corporal	Sergeant.
Private, specialist first class.	do	Do.
Private first class, specialist second class.	do	Do.
Private, specialist second class.	do	Do.
Private first class, specialist third class.	do	Do.
Private, specialist third class.	Private first class.	Corporal.
Private first class, specialist fourth class.	do	Do.
Private first class, specialist fifth class.	Private	Private first class.
Private, specialist fifth class.	do	Do.
Private first class, specialist sixth class.	do	Do.
Private, specialist sixth class.	do	Do.

§ 571.3 *Assignment*—(a) *Choices.* (1) Individuals who enlist or reenlist in the Regular Army or Air Force for 3, 4, 5, or 6 years are authorized certain choices of service which are published in separate directives from time to time by the Departments of the Army and the Air Force.

(2) Individuals who enlist in the Regular Army for any period less than 3 years and those who enlist in the Regular Army or Air Force for an unspecified period of time will not be given a choice of assignment and will be enlisted for Regular Army Unassigned or Air Force Unassigned.

§ 571.4 *Transportation*—(a) *Transportation of accepted applicants.* (1) Transportation at Government expense from place of acceptance to designated place of enlistment will be furnished to an applicant only when he has been tentatively accepted for enlistment, or when recalled for enlistment after name is reached on the waiting list.

(2) Return transportation at Government expense to point of acceptance will be furnished to rejected applicants and to those acceptable applicants who cannot be enlisted at the time. Return transportation will not be furnished to an applicant for enlistment who is rejected because of disqualification concealed by him at time of acceptance as an applicant.

(3) Government transportation will not be furnished from recruiting station to recruiting main station or other place of physical examination for applicants who have been discharged from last active service by reason of physical disability. Such applicants desiring enlistment will be informed that they must defray their own expenses in connection with travel for physical examination. (This subparagraph does not apply to combat wounded veterans applying for enlistment under Army and Air Force directives.

(b) *Transportation of dependents and/or shipment of household goods.* Enlisted personnel of the first three grades are not entitled to transportation of dependents and enlisted personnel of the first four grades are not entitled to shipment of household goods at Government expense by virtue of discharge granted for the purpose of effecting immediate reenlistment in the Regular Army or Air Force. However, a discharge for the purpose of immediate reenlistment in the Regular Army or Air Force on the day following discharge is not considered a break in active service, so far as such personnel's right to transportation of dependents and/or shipment of household goods is concerned. Such personnel, are, therefore, entitled to transportation of dependents and/or shipment of household goods at Government expense where a permanent change of station is involved in connection with reenlistment. Movement of dependents and household goods under such circumstances is also authorized from the place to which dependents were transported or the place at which household goods were stored pursuant to the act of June 5, 1942 (56 Stat. 315; 50 U. S. C. 764), to his present or subsequent permanent duty station. Personnel who enlist after a break in service are excluded from any of the foregoing benefits which accrue to them prior to their discharge.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-4229; Filed, May 26, 1949; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

CUSTOMS DECLARATIONS REQUIRED ON PARCELS ADDRESSED TO GUAM

Amend Part 34, Classification and Rates of Postage, (13 F. R. 8882) by the addition of a new § 34.96 *Customs declarations required on parcels addressed to Guam* (13 F. R. 8906) to read as follows:

§ 34.96 *Customs declarations required on parcels addressed to Guam.* (a) Certain articles imported into Guam, Marianas Islands, are subject to a local tax and it is necessary that all parcels originating in the United States or at points where the domestic mail service is in operation addressed to the above-named destination be accompanied with customs declaration forms.

(b) Therefore, no parcel or commercial shipment addressed for delivery at Guam, Guam will hereafter be accepted for mailing unless accompanied with customs declaration Form 2966. (R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-4231; Filed, May 26, 1949; 8:48 a. m.]

PART 78—POSTAL NOTES

APPLICATIONS FOR DUPLICATES OF LOST, MUTILATED, OR INVALID POSTAL NOTES

In § 78.11 *Applications for duplicates of lost, mutilated, or invalid postal notes* (13 F. R. 9007) amend paragraph (b) to read as follows:

(b) *Mutilated or invalid postal notes.* (i) Application for a duplicate of a mutilated postal note may be accepted at any time during the period of validity upon presentation of the original note.

(ii) Application for a duplicate of an invalid postal note shall be accepted only upon presentation of the original note after two calendar months from the last day of the month of issue.

(iii) No application for a duplicate postal note shall be accepted for any reason after one year from the last day of the month of issue.

(iv) When an application for a duplicate of a mutilated or invalid postal note is accepted, the original note shall be marked "Void, duplicate applied for _____, 19____," and forwarded with the application.

(v) The person making application for the duplicate postal note is required to complete card Form 6596. The postmaster shall postmark the application in the space provided, sign it, and promptly submit it to the Third Assistant Postmaster General, Division of Money Orders.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 62 Stat. 1264; 5 U. S. C. 22, 369, 39 U. S. C. 738a)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-4230; Filed, May 26, 1949; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

FRANCE

In § 127.252 *France (including Monaco)* (13 F. R. 9149) amend subdivision (xiii) of subparagraph (4), paragraph (b) to read as follows:

(b) *Parcel post.* * * *

(4) *Observations.* * * *

(xiii) Parcels should not be fastened by means of wire, but use may be made of straps not having sharp edges, tightly fastened so that no sharp ends or corners are exposed.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-4233; Filed, May 26, 1949; 8:49 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

SPAIN

In § 127.356 *Spain (Including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa: Ceuta, Melilla, Alhucemas, Chaferinas or Zafarani Islands, and Lenon de Velez de la Gomera; also Andorra)* (13 F. R. 9218) amend subdivision (i) of subparagraph (8), paragraph (b) to read as follows:

(b) *Parcel post.* * * *

(8) *Prohibitions.* (i) *For sanitary reasons.* Pharmaceutical preparations are admitted only if they bear a distinctive sanitary stamp, which must be affixed in the producing laboratories and be obtained from the Spanish sanitary authorities. Streptomycin is admitted only if a license has been granted by the Spanish health authorities. It is understood that the license is granted without difficulty to the addressees of small shipments if the application is supported by certificates from two physicians.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 49-4232; Filed, May 26, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 102]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 308a, is amended to describe the counties in the Defense-Rental Area as follows:

Ellis, Kaufman, and Navarro except the City of Corsicana.

This decontrols from §§ 825.1 to 825.12 the City of Corsicana in Navarro County, Texas, a portion of the Corsicana, Texas, Defense-Rental Area.

2. Schedule A, Item 324, is amended to describe the counties in the Defense-Rental Area as follows:

Harrison, except the City of Marshall; Marion; and Upshur.
Camp, Morris, and Titus.

This decontrols from §§ 825.1 to 825.12 the City of Marshall in Harrison County, Texas, a portion of the Marshall, Texas, Defense-Rental Area.

3. Schedule A, Item 329a, is amended to read as follows:

(329a) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Sweetwater, Texas, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94, and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective May 25, 1949.

Issued this 25th day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-4281; Filed, May 25, 1949; 4:20 p. m.]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg.,[1] Amdt. 97]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. Schedule A, Item 308a, is amended to describe the counties in the Defense-Rental Area as follows:

Ellis, Kaufman, and Navarro except the City of Corsicana.

This decontrols from §§ 825.81 to 825.92, the City of Corsicana in Navarro County, Texas, a portion of the Corsicana, Texas, Defense-Rental Area.

2. Schedule A, Item 324, is amended to describe the counties in the Defense-Rental Area as follows:

Harrison, except the City of Marshall; Marion; and Upshur; Camp, Morris, and Titus.

This decontrols from §§ 825.81 to 825.92, the City of Marshall in Harrison County, Texas, a portion of the Marshall, Texas, Defense-Rental Area.

3. Schedule A, Item 329a, is amended to read as follows:

(329a) [Revoked and decontrolled].

This decontrols from §§ 825.81 to 825.92, the entire Sweetwater, Texas, Defense-Rental Area.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Congress; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective May 25, 1949.

Issued this 25th day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-4280; Filed, May 25, 1949; 4:20 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

CATS, DOGS AND MONKEYS

Notice of proposed rule making and public rule-making proceedings have been omitted in the issuance of the following amendments to §§ 71.154 and 71.155. Notice and rule-making proceedings have been found to be unnecessary because the sole purpose of the amendments is to eliminate restrictions and requirements now in effect.

1. Section 71.154 is amended to read as follows:

§ 71.154 *Cats, dogs and monkeys*—(a) *Cats: Physical inspection.* No cat shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Canada, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(1) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(2) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(b) *Dogs: Physical inspection; rabies immunization; importation for scientific purposes.* (1) No dog shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Canada, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal was physically in-

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[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2695.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1869, 1932, 2061, 2062, 2085, 2177, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695.

spected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(ii) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(2) No dog shall be brought into a port under the control of the United States from any foreign port other than Australia, Bermuda, Canada, Denmark, Eire, New Zealand, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal has been immunized with an approved rabies vaccine not more than six months prior to the date of entry, or

(ii) The animal is immunized with an approved rabies vaccine following arrival at a port under control of the United States and prior to release from quarantine, or

(iii) The owner submits a sworn statement to the effect that the animal is destined for a research institution, that it is intended by such institution to be used for scientific purposes, and that immunization will seriously interfere with its use for such purposes.

(c) *Monkeys: Physical inspection; importation from yellow fever areas.* (1) No monkey shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Canada, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(ii) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(2) Notwithstanding any other provision of this section, a monkey put on board at a port in an endemic yellow fever area, or a monkey coming from such an area, shall not be brought in unless it is free of evidence of yellow fever infection and its owner submits evidence satisfactory to the quarantine officer that, immediately prior either to being put aboard or its arrival, the monkey had been detained in a mosquito-proof structure for not less than nine days.

2. Section 71.155 is amended to read as follows:

§ 71.155 *Cats, dogs, and monkeys: Disposition of excluded animals.* A cat, dog, or monkey excluded from entry under the regulations in this part shall be destroyed or deported. Pending deportation it shall be detained under Customs' custody at the owner's expense:

(a) Aboard the vessel on which it arrived, the vessel to be held under provisional pratique; or

(b) At the airport of entry.

Effective date: The foregoing amendments shall be effective on the date of their publication in the FEDERAL REGISTER.

(58 Stat. 703–706; 42 U. S. C. 264–272)

Dated: May 19, 1949.

LEONARD A. SCHEELE,
Surgeon General.

Approved: May 23, 1949.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 49-4234; Filed, May 26, 1949; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 586]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, and to existing withdrawals for power purposes, the public lands within the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in the construction of the Pine Flat Dam and Reservoir Project, California, under the supervision of the Department of the Army as authorized by the act of December 22, 1944, 58 Stat. 887, 901:

MOUNT DIABLO MERIDIAN

T. 12 S., R. 24 E.,
Sec. 12, E½E½NE¼;
Sec. 22, S½SE¼;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼SW¼, E½SW¼, and SE¼;
Secs. 25 and 26;
Sec. 27, E½;
Sec. 34, NE¼NE¼;
Sec. 35, E½, E½W½, NW¼NW¼;
Sec. 36, W½, W½E½, NE¼NE¼.
T. 13 S., R. 24 E.,
Sec. 1, lots 2, 3, 4, 5, 6, and 9;
Sec. 2.
T. 12 S., R. 25 E.,
Sec. 3, W½SW¼;
Sec. 4, SE¼NE¼, and E½SE¼;
Sec. 5, lot 4, S½S½NE¼, S½NW¼, N½S½, SE¼SW¼, and S½SE¼;
Sec. 6, lot 1, SE¼NE¼ and NE¼SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, W½E½, SE¼NE¼, and E½SE¼;
Sec. 8, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 9, E½E½, W½NW¼, SW¼SW¼, and SW¼SE¼;
Sec. 10, W½W½;
Sec. 15, SW¼NE¼, SE¼NW¼, W½NW¼, and S½;
Sec. 16, E½, E½W½, W½NW¼, and NW¼SW¼;
Sec. 17, N½, N½S½, S½SW¼, and SW¼SE¼;
Secs. 18 and 19;
Sec. 20, SE¼NE¼, W½NE¼, W½, and SE¼;
Sec. 21, NW¼NE¼ and NE¼NW¼;
Sec. 22, SE¼NE¼, W½NE¼, NW¼, and S½;
Sec. 23, S½N½, and S½;
Sec. 24, N½ and N½SW¼;
Sec. 28, SE¼NW¼, W½NW¼, and N½SW¼;
Sec. 29, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 30;
Sec. 31, lot 1, NE¼NW¼, and N½NE¼;
Sec. 32, NW¼NW¼.
T. 12 S., R. 26 E.,
Sec. 16, SW¼NW¼, and SW¼;
Sec. 17, S½N½, N½S½, and SW¼SW¼;
Sec. 18, SE¼;
Sec. 19, lots 1, 2, E½NW¼, W½NE¼, and NE¼NE¼;
Sec. 21, lots 1 to 7, NW¼NE¼, SE¼NE¼, W½NW¼, W½SW¼, and SE¼SW¼.

The areas described, including both public and non-public lands aggregate 14,605.40 acres.

The withdrawal made by this order shall take precedence over but not modify (1) the Executive Order of July 1, 1908 and the Proclamation of July 1, 1910, establishing the Sequoia and Sierra National Forests, (2) the Executive Order of June 8, 1926, Reservoir Site Reserve No. 17, (3) the Orders of November 16, 1932, November 18, 1941, and May 26, 1943, of the Secretary of the Interior withdrawing lands for Reclamation purposes, and (4) the Order of May 29, 1908, of the Secretary of the Interior withdrawing certain land as a Forest Service Administrative Site, so far as such orders affect any of the above described lands.

It is intended that the public lands described herein shall be returned to the administration of the Department of Agriculture and the Department of the Interior, according to their respective interests, when they are no longer needed for the purpose for which they are reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 20, 1949.

[F. R. Doc. 49-4212; Filed, May 26, 1949; 8:45 a. m.]

[Public Land Order 587]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, 38 Stat. 305, 307, (48 U. S. C. 303 and 304), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands at Whittier, Alaska, are hereby withdrawn from all forms of appropriation under the public-land laws, including the min-

ing and mineral-leasing laws, and reserved for the use of the Department of the Army for military purposes:

The following 9 parcels of land located on Passage Canal, in and near the Townsite of Whittier, U. S. Survey 2559, latitude 60°46'30" N., longitude 148°43'20" W., as shown on Map by Department of the Army, Corps of Engineers, Drawing No. 18–01–02, in 3 sheets, dated January 27, 1948, titled "Whittier, Alaska, Military Reservations, General Layout and Boundary" on file in the BLM, Misc. No. 33307.

Parcel No. 1. Beginning at a point on line 12–13 of Alaska Railroad Terminal Reserve, withdrawn by P. L. O. 396, from which the main line of the Alaska Railroad is located southerly 100 feet distant at right angle, and from which USED Station A, a standard disc set in concrete, marked "103–00" (coordinate position being N9944.44 E. 142565.70) bears S. 26° 18' E., 141.42 feet, (Station A being on the center line of the Alaska Railroad main line just outside south portal of Whittier Tunnel, 112.5 feet from face of snowshed), thence by metes and bounds:

N. 10° 00' W., 3,000.00 feet;
N. 58° 30' E., 4,000.00 feet across face of Leonard Glacier;
East 2,200.00 feet to a point on mean high water line of Passage Canal;
Southeasterly 3,600.00 feet along mean high water line to NE corner of CAA VHF Reserve;
West 700.00 feet along north boundary of the Reserve to NW corner thereof;
S. 17° 30' W., 795.00 feet along west boundary of the Reserve to corner No. 14 of P. L. O. 396;
West 1,320.00 feet to corner No. 13 of P. L. O. 396;
S. 18° 42' W., 2,036.27 feet to point of beginning.

The area described contains 220.2 acres.

Parcel No. 2. Beginning at corner No. 5, U. S. Survey No. 2559, Whittier Townsite, thence by metes and bounds:

N. 81° 19' E., 933.47 feet to corner No. 6 of U. S. S. 2559;
N. 55° 39' E., 1,224.97 feet to corner No. 7 of U. S. S. 2559;
N. 34° 21' W., 440.00 feet to corner No. 8 of U. S. S. 2559;
S. 55° 39' W., 1,565.74 feet to corner No. 9 of U. S. S. 2559;
N. 78° 51' W., 148.37 feet;
S. 58° 14' W., 189.25 feet to SE corner lot 39, block 13;
N. 74° 00' W., 228.28 feet along north line of First St. to SW corner of lot 36, block 13;
N. 16° 00' E., 111.00 feet to a point on line 1–9, U. S. S. 2559;
N. 78° 51' W., 805.00 feet along line 1–9 to NW corner of lot 20, block 13;
S. 17° 30' W., 42.25 feet along west line of lot 20 to SW corner thereof;
S. 74° 00' E., 8.32 feet along south line lot 20, which is the north line of First St.;
S. 17° 30' W., 427.52 feet along east line of Midway Ave., to SW corner block 11;
S. 74° 00' E., 300.80 feet along north line of Third St. to SE corner of lot 27, block 11;
S. 17° 30' W., 271.56 feet to SW corner lot 19, block 10;
S. 74° 00' E., 438.00 feet to point on line 4–5, U. S. S. 2559;
N. 48° 00' E., 522.00 feet to point of beginning.

The area described contains 33.07 acres.

Parcel No. 3. Beginning at the point of beginning for Parcel No. 1, thence by metes and bounds:

S. 71° 18' E., 1,950.50 feet parallel to and 100 feet distant from the center line of the Alaska Railroad main track to a point opposite Station 84:49.5;
N. 55° 56' W., 783.29 feet to the NE corner of area under permit to CAA for Fan Marker;
S. 27° 03' W., 100.00 feet to SE corner of CAA permit area;
N. 62° 57' W., 100.00 feet to SW corner of CAA permit area;
N. 27° 03' E., 100.00 feet to NW corner of CAA permit area;
N. 62° 57' W., 157.94 feet;
N. 62° 00' E., 1,331.68 feet;
N. 28° 00' W., 155.35 feet;
N. 36° 27' E., 473.13 feet;
N. 8° 13' E., 721.56 feet to a point on the northerly boundary line of P. L. O. 396;
N. 73° 00' W., 497.11 feet to corner 14 of P. L. O. 396;
West 1,320.00 feet to corner 13 of P. L. O. 396;
S. 18° 42' W., 2,036.27 feet along line 12–13 of P. L. O. 396 to point of beginning.

The area described contains 84.95 acres.

Parcel No. 4. Beginning at corner No. 8, U. S. S. 2559, Whittier Townsite, thence by metes and bounds:

S. 55° 39' W., 100.00 feet along Townsite boundary;
N. 34° 21' W., 178.00 feet to dock access road right-of-way;
N. 55° 39' E., 420.00 feet along right-of-way to dock approach;
S. 34° 21' E., 618.00 feet;
S. 55° 39' W., 320.00 feet to corner No. 7, U. S. S. 2559;
N. 34° 21' W., 440.00 feet to point of beginning.

The area described contains approximately 5.0 acres.

Parcel No. 5. Beginning at a point on line 1–9 of U. S. Survey 2559, Whittier Townsite, from which corner No. 9 thereof, bears N. 78° 51' W., 65 feet, thence by metes and bounds:

N. 19° 25' E., 265.00 feet to a point 8 feet southerly from the center line of the Alaska Railroad Service Track No. 7;
Southwesterly 455.00 feet on a curve to the right, parallel to and 8 feet southerly from the center line of Service Track No. 7;
S. 10° 13' E., 115.00 feet to a point on line 1–9, U. S. S. 2559;
S. 78° 51' E., 350.00 feet to point of beginning.

The area described contains 1.5 acres.

Parcel No. 6. Beginning at a point from which U. S. L. M. 2559 bears S. 00° 25' 21" W., 509.85 feet, thence by metes and bounds:

N. 11° 09' E., 284.77 feet to point for corner No. 2;
N. 78° 51' W., 450.00 feet to point for corner No. 3;
S. 11° 09' W., 414.77 feet to a point 120 feet from the center line of the Alaska Railroad main line, measured at right angle, which is point for corner No. 4;
S. 78° 51', E. 380.00 feet to point for corner No. 5;
N. 11° 09' E., 110.00 feet to a point for corner No. 6 on the North side of the access road between the Alaska Railroad tracks and Passage Canal;
S. 62° 15' E., 115.00 feet to point for corner No. 7;
N. 33° 51' W., 60.00 feet to the point of beginning.

The area described contains 4.1 acres.

Parcel No. 7. Beginning at a point on the northwest corner of the approach to the original Whittier Wharf from which corner No. 8 of U. S. Survey 2559 bears S. 21° 08' 20" W., 396.24 feet, thence by metes and bounds:

N. 55° 39' E., 406.00 feet along seaward face of the wharf approach;
S. 78° 24' W., 402.59 feet;
S. 55° 39' W., 1,772.13 feet to a point on the approximate mean high water line of Passage Canal, from which corner No. 9, U. S. S. 2559 bears S. 12° 11' 10" E.;
S. 34° 21' E., 77.20 feet to a point approximately 10 feet North of the center line of the No. 1 wharf track of the Alaska Railroad;
N. 75° 34' 30" E., 176.07 feet to a point on the north line of Parcel No. 9;
N. 60° 39' E., 185.01 feet along north line of Parcel No. 9;
N. 48° 33' E., 361.78 feet along north line of Parcel No. 9;
N. 55° 42' E., 375.71 feet along north line of Parcel No. 9;
S. 34° 21' E., 45.84 feet;
N. 55° 39' E., 652.85 feet;
S. 34° 21' E., 0.88 foot to point of beginning.

The area described, both land and water, contains 6.44 acres.

Parcel No. 8. Beginning at a point at the southwest corner of the enlarged approach to Whittier Wharf, from which corner No. 8, U. S. Survey 2559, Whittier Townsite, bears S. 32° 04' 20" W., 356.25 feet, thence by metes and bounds:

The following 14 courses run along the new wharf extension contiguous to and south of the original wharf approach and along the south and east confines of the Whittier Wharf to the northeast corner on the seaward face of the wharf:

N. 55° 39' E., 120.00 feet;
N. 63° 59' E., 116.00 feet;
N. 73° 19' E., 80.00 feet;
N. 78° 24' E., 802.00 feet;
N. 11° 36' W., 24.00 feet;
N. 78° 24' E., 48.00 feet;
N. 11° 36' W., 66.00 feet;
N. 78° 24' E., 214.00 feet;
S. 11° 36' E., 41.00 feet;
N. 78° 24' E., 25.00 feet;
N. 11° 36' W., 12.00 feet;
N. 78° 24' E., 24.00 feet;
N. 36° 54' E., 63.00 feet;
N. 11° 36' W., 41.00 feet to NE corner of seaward face of wharf;
N. 78° 24' E., 350.00 feet along prolongation of the line of the seaward face of the wharf to a point on the mean high tide line on south shore Passage Canal;
Northeasterly 300.00 feet along mean high tide line to corner No. 21 P. L. O. 396;
Northeasterly and Southerly 940.00 feet along mean high tide line, which is the boundary of P. L. O. 396, across Cove Creek to corner 22, P. L. O. 396;
South 1,370.00 feet to corner 23, P. L. O. 396;
West 1,920.00 feet to corner 24 P. L. O. 396;
N. 34° 21' W., 200.00 feet to corner No. 7, U. S. S. 2559;
N. 55° 39' E., 320.00 feet;
N. 34° 21' W., 590.00 feet to point of beginning.

The area described contains 54.2 acres.

Parcel No. 9. Beginning at a point on line 4-5 of Parcel No. 6, from which, point for corner No. 5 bears S. 78° 51' E., 20 feet, thence by metes and bounds:

An area 10 feet in width, 5 feet on either side of a line;
S. 11° 00' W., 152.18 feet; thence
An area 6 feet in width, 3 feet on either side of a line;
S. 78° 51' E., 881.43 feet;
S. 50° 00' E., 191.57 feet to NW corner Parcel No. 4;
Easterly, 581.37 feet parallel to and 7 feet northerly from center line of Service Track No. 7.
N. 09° 39' E., 43.73 feet;
N. 60° 36' E., 182.40 feet;
N. 48° 30' E., 361.91 feet;
N. 55° 39' E., 375.39 feet;
N. 60° 40' E., 519.21 feet;
N. 55° 36' E., 542.79 feet to fuel intake on edge of dock.

This order shall take precedence over, but not otherwise affect Executive Order No. 1919½ of April 21, 1914, Public Land Order No. 219 of March 28, 1944, and Public Land Order No. 396 of August 19, 1947, so far as such orders affect any of the above-described lands: *Provided, however,* That the Alaska Railroad shall have (1) access to all roads in parcels Nos. 3 to 8 inclusive that are necessary for the maintenance and operation of

the railroad, and (2) a right-of-way 200 feet wide across parcel No. 8 for the construction of railroad, telegraph and telephone lines.

It is intended that the lands above described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

J. A. KRUG,
Secretary of the Interior.

MAY 23, 1949.

[F. R. Doc. 49-4214; Filed, May 26, 1949; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

STAFF CONSIDERATION OF APPLICATIONS WHICH RECEIVE ACTION BY THE COMMISSION

In the matter of amendment of Part 1 of the Commission's rules and regulations relating to processing of applications by fixed public and fixed public press radio carriers.

At the session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1949;

The Commission, having under consideration proposed amendments of the Statement of Organization of the Commission, and the Statement of Delegations of Authority, and Part 1 of the rules, Practice and Procedure, for the purpose of accomplishing changes in internal procedures of the Commission relating to the processing and disposition of applications filed by international fixed public and fixed public press radio carriers under Title III of the Communications Act; and

It appearing, that such amendments are designed to expedite and improve the internal administration of the Commission;

It further appearing, that the proposed amendments to the rules and regulations are organizational or editorial in nature, and that proposed rule making under section 4 (a) of the Administrative Procedure Act is not required;

It further appearing, that authority for the proposed amendments is contained in section 4 (i) and section 5 (e) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Statement of Organization of the Commission and the Statement of Delegations of Authority are amended as set forth in the Notices section of this issue of the FEDERAL REGISTER, and Part 1 of the Commission's rules and regulations, is amended, as set forth below.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i); interprets or applies sec. 5 (e), 48 Stat. 1068; 47 U. S. C. 155 (e))

Released: May 19, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

In § 1.372, add footnote 1 to read as follows:

[1] Applications filed by the fixed public and fixed public press international radio carriers for the assignment of additional frequencies not already assigned to a station of the licensee at some other location may be acted on by the Commission upon the recommendation of the Bureau of Engineering only.

[F. R. Doc. 49-4239; Filed, May 26, 1949; 8:50 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VI—Public Buildings Administration, Federal Works Agency

PART 601—PUBLIC BUILDINGS AND GROUNDS

Sec.
601.1 Applicability.
601.2 Preservation of public property.
601.3 Nuisances.
601.4 Gambling.
601.5 Soliciting and vending.
601.6 Use of liquors, etc.
601.7 Photography.
601.8 Dogs; other animals.
601.9 Automobile traffic.
601.10 Local laws.
601.11 Penalties.

AUTHORITY: §§ 601.1 to 601.11 issued under sec. 2, Pub. Law 566, 80th Cong., 62 Stat. 281.

§ 601.1 *Applicability.* These rules and regulations shall apply to all persons employed or entering in or on buildings and grounds under the charge and control of the Federal Works Agency, Public Buildings Administration.

§ 601.2 *Preservation of public property.* The injury, abuse, or damage in any way whatsoever of any public building or part thereof, including signs, regulations, decorations or other facility or equipment, or of any tree, shrub, flower or other planting material is prohibited.

§ 601.3 *Nuisances.* The use of loud, abusive or otherwise improper language, unwarranted loitering, sleeping or assembly, throwing articles of all kinds from public buildings, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, climbing upon any part of a building, prurient prying, the commission of any obscene or indecent act, or any other unseemly conduct, is prohibited.

§ 601.4 *Gambling.* Participating in games for money or property, or the operation of gambling devices, or the selling or purchasing of numbers tickets, is prohibited.

§ 601.5 *Soliciting and vending.* The soliciting of alms and contributions for private gain, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts is prohibited unless authorized in connection with the building operation.

§ 601.6 *Use of liquors, etc.* Entering a public building or the driving of a motor vehicle in or on public property by a person visibly under the influence of an intoxicating liquor or narcotic drug, or the consumption of such liquors or drugs within a public building is prohibited.

§ 601.7 *Photography.* Taking photographs within a public building for commercial or publication purposes without authority is prohibited.

§ 601.8 *Dogs; other animals.* Bringing a dog or other animal, except seeing-eye dogs, into a public building is prohibited unless prior permission is obtained.

§ 601.9 *Automobile traffic.* (a) Drivers of all motor vehicles within public buildings and grounds shall drive in a careful and safe manner at all times and shall comply with the directions of all posted traffic signs; (b) The blocking of entrances, driveways, walks, loading platforms or fire hydrants, is prohibited; (c) Except in emergencies, parking in public buildings and grounds is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited.

§ 601.10 *Local laws.* Federal and local and state laws and regulations applicable to an area in which a public building and grounds are situated shall apply to that public property where they are not inconsistent with the provisions of this part.

§ 601.11 *Penalties.* Whoever shall violate any provision of this part shall be fined not more than $50 or imprisoned not more than thirty days, or both, except that offenses committed against laws applying to the local area in which a public property is situated may be prosecuted in accordance with such laws.

Approved: April 1, 1949.

[SEAL] PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 49-4225; Filed, May 26, 1949; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Parts 8, 14, 25]

[324.2]

FACILITATION OF RELEASE OF EXAMINED PACKAGES, MODIFICATION OF REDELIVERY PROCEDURE, AND AMENDMENT OF REDELIVERY BONDS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that, pursuant to authority contained in sections 161, 251 of the Revised Statutes, sections 499 and 623 of the Tariff Act of 1930, as amended, and section 624 of the Tariff Act of 1930 (5 U. S. C. 22, 19 U. S. C. 1499, 1623, 1624), it is proposed to amend §§ 8.18, 8.26, 8.29, 14.2, 14.4, 25.4, and 25.17, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.18, 8.26, 8.29, 14.2, 14.4, 25.4, 25.17), to eliminate the special bond covering release of examination packages in the case of withheld appraisement; to prescribe a bond in which the actual owner of imported merchandise may secure his undertaking to pay increased and additional duties pursuant to section 485 (d), Tariff Act of 1930, and to redeliver the merchandise to customs custody under specified conditions, and for other purposes; and to amend the immediate delivery and consumption entry bond, customs Form 7551, and related customs bonds, as follows:

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.18 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.18 (d)), is hereby amended to read as follows:

(d) A consignee in whose name an entry is made who desires under the provisions of section 485 (d), Tariff Act of 1930, to be relieved from direct liability for the payment of increased and additional duties shall file a declaration of the actual owner of the merchandise on customs Form 3347. If the consignee desires to be relieved also from the liability for the payment of such duties voluntarily assumed by him in the single-entry bond which he filed in connection with the entry or in his term bond against which the entry was charged, he shall file with the collector of customs within 90 days from the date of entry a superseding bond on customs Form 7601 of the actual owner whose declaration on customs Form 3347 has been filed in accordance with section 485 (d) and these regulations. The filing of the owner's declaration and of the superseding bond by the nominal consignee is optional and no bond shall be required for the production of either. Neither the owner's declaration nor the superseding bond shall be accepted unless filed by the nominal consignee or his duly authorized agent. A nonresident owner's declaration shall not be accepted as a compliance with section 485 (d) unless there is filed therewith a bond of such owner on customs Form 7551 or 7553, with a resident corporate surety thereon.

(Sec. 485, 46 Stat. 724, sec. 13, 52 Stat. 1083; sec. 624, 46 Stat. 759; 19 U. S. C. 1485, 1624)

2. Section 8.26, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.26), is hereby amended as follows:

a. Paragraph (b) is hereby amended by deleting the last sentence thereof and substituting the following: "If the request of the appraiser is not promptly complied with, he shall request the collector to make a demand under the appropriate bond for the return of the merchandise to customs custody."

b. Paragraph (c) is hereby amended to read as follows:

(c) At any time before the appraiser's report of appraisement the collector may demand the return to customs custody of such additional packages or quantities of merchandise as the appraiser may desire, pursuant to section 499, Tariff Act of 1930, as amended, and paragraph (b) of this section, for the purpose of examination, inspection, or appraisement. The demand shall be by letter or on customs Form 3483 or other appropriate form. The collector may also demand the return to customs custody of any merchandise for the purpose of requiring it to be marked pursuant to the provisions of paragraph 367 or 368, or section 304, Tariff Act of 1930, as amended. The demand for this purpose shall be on customs Form 4647, not later than 20 days after the appraiser's report of appraisement. The demand for redelivery to customs custody for any purpose specified in this paragraph shall be made on the actual owner, and not on the nominal consignee, if the latter has filed a superseding bond of the actual owner on customs Form 7601 before the date of a proper demand hereunder for redelivery for the purpose specified.

(R. S. 161, sec. 499, 46 Stat. 728, secs. 15 and 16 (a), 52 Stat. 1084, sec. 505, 46 Stat. 732, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1499, 1505, 1623, 1624)

3. Section 8.29, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.29), is hereby amended to read as follows:

§ 8.29 *Release of packages.* (a) Merchandise which has not been designated for examination shall be released from customs custody in accordance with the provisions of § 8.28.

(b) Merchandise designated for examination may be released after examination has been completed if it has been found to be truly and correctly invoiced, is entitled to admission into the commerce of the United States, and its release is not precluded by any law or regulation. The collector may designate an appraising officer to release examined packages.

(c) If the appraiser believes that unpaid duties or taxes imposed upon or by reason of importation will be found due in respect of any item of merchandise on the invoice, the reason shall be indicated on the delivery order covering the examined packages, or on other appropriate form of notice, by means of an explanatory notation such as "Rate advance," "Value advance," "Excess," etc., followed by a statement whether the estimated aggregate of the advances is over $50. If appraisement is to be withheld, the examiner shall so state on the delivery order or other notice.

(d) If either the nominal consignee (importer of record) or the owner whose declaration and superseding bond have been filed in accordance with § 8.18 (d) desires, he may estimate, on the basis of information contained in the entry papers or obtainable from the examiner, the probable amount of unpaid duties or taxes which will be found due on the entire shipment and deposit them in whole or in part with the collector. The deposit shall be tendered in writing by the importer of record or the owner in the following form in quadruplicate:

Date _____

To the Collector of Customs,

_____

Tender is hereby voluntarily made of $____ as a supplemental deposit of estimated duties and taxes on _____ entry No. _____, dated _____, in the name of _____. Please provide an official receipt.

_____
(Importer of record) or (owner)

_____
(Street address)

_____
(City) (State)

An official receipt shall be given for the deposit. (R. S. 161, sec. 499, 46 Stat. 728, secs. 15 and 16 (a), 52 Stat. 1084, sec. 505, 46 Stat. 732, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1499, 1505, 1623, 1624)

PART 14—APPRAISEMENT

1. Section 14.2, Customs Regulations of 1943 (19 CFR, Cum. Supp., 14.2), is hereby amended by deleting paragraph (e) and by redesignating paragraphs (f), (g), (h), and (i) as paragraphhs (e), (f), (g), and (h), respectively.

(Sec. 488, 46 Stat. 725, sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 624, 46 Stat. sec. 759; 19 U. S. C. 1488, 1499, 1624)

2. Section 14.4, Customs Regulations of 1943 (19 CFR, Cum. Supp., 14.4), as amended, is hereby amended by deleting paragraph (h).

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

PART 25—CUSTOMS BONDS

1. Section 25.4 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp. 25.4 (a)), as redesignated by T. D. 52019, is hereby amended as follows:

a. By deleting the first sentence of subparagraph (9) and substituting therefor the following:

(9) Immediate delivery and consumption entry bond (single entry), customs Form 7551, in an amount equal to the value of the articles, as set forth in the entry, plus the estimated duty (including any taxes required by law to be treated as duties) and the estimated amount of any other taxes imposed upon or by reason of importation, as determined at the time of entry.

b. By amending subparagraph (31) to read as follows:

(31) Superseding bond of the actual owner whose declaration has been filed pursuant to section 485 (d), Tariff Act of 1930, to pay increased and additional duties imposed upon or by reason of importation, and to redeliver merchandise for marking and other purposes, customs Form 7601, in an amount equal to the amount of the single-entry bond or the bond charge which it supersedes.

(R. S. 161, sec. 485, 46 Stat. 724, sec. 13, 52 Stat. 1083, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1485, 1623, 1624)

2. Section 25.17 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.17 (d), is hereby amended by inserting "and taxes imposed upon or by reason of importation" before the comma following the word "duties" in the first sentence.

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624)

3. Customs Form 7551, Immediate Delivery and Consumption Entry Bond (Single Entry), is amended to read as follows:

Know all men by these presents, That _____, of _____, as principal, and _____, of _____, and _____, of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19____.

Whereas, certain articles described in an application dated _____ 19____, for special permit to land and deliver immediately are expected to arrive at the port of _____, from _____, on _____, and the immediate delivery of such article is necessary; and

(vessel, vehicle, or aircraft)

Whereas, pursuant to regulations promulgated under the provisions of section 448 (b), Tariff Act of 1930, the above-bounden principal desires the release of the articles described in the application prior to the making of a formal entry therefor and the payment of duties thereon; or

Whereas, certain articles have been imported at the port of _____, and entered at said port for consumption on entry No. _____, dated _____, 19____, and described therein; and

Whereas, the above-bounden principal desires release of the articles described in the permit or entry prior to the ascertainment by customs officers of the quantity and value of such articles, and of the full amount of the duties and charges due thereon, and prior to the decision by the proper officer as to the right of the articles to admission into the United States;

Now, therefore, the condition of this obligation is such that—

(1) The above-bounden principal, in consideration of the release of all or any part of the shipment covered by the entry specified above before the full amount of duties and taxes imposed upon or by reason of importation has been finally determined, and notwithstanding section 485 (d), Tariff Act of 1930, or any other provisions of law, voluntarily undertakes and agrees to pay any and all such duties and taxes found to be due on the shipment referred to, but not in excess of the amount of this bond, upon condition that no other provision of this bond shall be invoked for the purpose of enforcing the collection of such duties and taxes and upon the further condition that this obligation to pay any and all such duties and taxes found to be due on the shipment (not exceeding the amount of this bond) shall become null and void and of no force and effect on and after the date on which the above-bounden principal files with the collector in the manner and within the time prescribed by the regulations a superseding bond on customs Form 7601 of the owner whose declaration has been filed in accordance with the provisions of said section 485 (d), in which bond the owner undertakes and agrees to pay any and all such duties and taxes found due on the shipment covered by the above-mentioned entry.

(2) If, in cases where the merchandise has been released prior to entry pursuant to section 448 (b) of the tariff act, the above-bounden principal within 48 hours, exclusive of Sundays and holidays, after the release of the articles described in the application for a special permit, shall make entry for such articles and deposit the duties and taxes imposed upon or by reason of importation estimated to be due thereon; or if, in the event of failure to make entry or to deposit such duties and taxes, he shall pay to the collector of customs as liquidated damages an amount equal to the value of the merchandise plus the duties and taxes thereon (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of such merchandise as determined by the collector of customs, and that the decision of the collector as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties and taxes, also shall be binding on all parties to this obligation),

(3) And if in any case the above-bounden principal shall redeliver or cause to be redelivered to the order of the collector of customs, on demand by him, in accordance with the law and regulations in effect on the date of the release of said articles, any and all merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States; or in default thereof, shall pay to said collector such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof;

(4) And if in any case the above-bounden principal, in respect of any of the merchandise released from customs custody, shall redeliver or cause to be redelivered to the order of the collector of customs such additional packages or quantities of merchandise as may be desired by the appraiser pursuant to section 499, Tariff Act of 1930, as amended, for the purpose of examination, inspection, or appraisement, upon a demand made at any time before the appraiser's report of appraisement, unless before that time the said principal shall have filed with the collector of customs a superseding bond on customs Form 7601 in which the owner whose declaration has been filed pursuant to section 485 (d), Tariff Act of 1930, shall have undertaken upon proper demand on such owner to effect redelivery for such purposes; or in default of redelivery after a proper demand on him the above-bounden principal shall pay to the said collector such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof;

(5) And if in any case the above-bounden principal shall redeliver or cause to be redelivered to the order of the collector of customs for marking pursuant to the provisions of paragraph 367 or 368, or section 304, Tariff Act of 1930, as amended, upon a demand made not later than twenty (20) days after the appraiser's report of appraisement, such of the merchandise as may have been released from customs custody, unless before that time the said principal shall have filed with the collector of customs a bond on customs Form 7601 in which the owner whose declaration has been filed pursuant to said section 485 (d) shall have undertaken upon proper demand on such owner to effect redelivery for such purposes; or, in default of redelivery after a proper demand on him the above-bounden principal shall pay to the said collector such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof;

(6) And if in any case the above-bounden principal shall mark, label, clean, fumigate, destroy, export, and do any and all other things in relation to said merchandise that may be lawfully required, and shall hold the said merchandise for inspection and examination, or, in default thereof, shall pay to the collector of customs as liquidated damages an amount equal to the value of the merchandise with respect to which there has been a default, as set forth in the entry, plus the estimated duties thereon, as determined at the time of entry;

(7) And if in any case the above-bounden principal shall deliver to the collector of customs such certified invoices, declarations of owners or consignees, certificates of origin, certificates of exportation, and other documents as may be required by law or regulations in connection with the entry of said articles, and in the form and within the time required by law or regulations, or any lawful extension thereof, or in the event of failure to comply with any or all of the conditions of this section (7) shall pay to said collector such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations, not exceeding the amount of this obligation, for any breach or breaches thereof;

Then this obligation shall be void; otherwise it shall remain in full force and effect.

4. Customs Form 7553, Immediate Delivery and Consumption Entry Bond (Term); customs Form 7555, Warehouse Entry Bond; customs Form 7595, General Term Bond for the Entry of Merchandise; and the general bond for smelting and refining warehouses, promulgated in T. D. 50267, will be appropriately amended to conform to the amended customs Form 7551 insofar as they are inconsistent with that form.

The superseding bond of the actual owner undertaking to pay additional and increased duties and taxes imposed upon or by reason of importation and to redeliver merchandise for appraisement purposes and for the purpose of marking pursuant to paragraph 367 or 368, or section 304, Tariff Act of 1930, as amended, shall be in the following form:

Customs Form 7601

Bond of Actual Owner to Cover the Payment of Increased and Additional Duties and Taxes and the Redelivery of Merchandise for Marking and other purposes:

Know all men by these presents, That _____ of _____, as principal, and _____, of _____, and _____, of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this ____ day of _____, 19__.

Whereas certain articles, described in entry No. _____, dated _____, 19__, filed in the name of _____ have been imported at the port of _____, from _____, in the _____ arrived _____, 19__.

Whereas, the consignee on the designated entry has declared that the above-bounden principal is the actual owner of the merchandise for customs purposes and has filed the declaration of such owner pursuant to section 485 (d), Tariff Act of 1930, in which the above-bounden principal has agreed to pay all increased and additional duties found to be due thereon;

And whereas, the above-bounden principal desires to assume under this bond all liability for the payment of any and all unpaid duties and taxes imposed upon or by reason of importation which the consignee has undertaken to pay in a single-entry bond, customs Form 7551, filed in connection with the above-designated entry, or in a charge made against a term bond, customs Form 7553, in connection with such entry, and to assume liability for the redelivery of the merchandise for the purpose of inspection, examination, or appraisement (as desired by the appraiser pursuant to section 499, Tariff Act of 1930, as amended), or for marking as required by paragraph 367 or 368, or section 304, Tariff Act of 1930, as amended;

Now therefore, the condition of this obligation is such, that—

If the above-bounden principal shall pay to the collector of customs, when demanded by him, all unpaid duties and taxes imposed upon or by reason of importation found legally due on all the merchandise covered by the said entry; and if in respect of any of the merchandise released from customs custody shall redeliver or cause to be redelivered to the order of the collector of customs such additional packages or quantities of merchandise as may be desired by the appraiser pursuant to section 499, Tariff Act of 1930, as amended, for the purpose of examination, inspection, or appraisement, upon a demand made on such principal at any time before the appraiser's report of appraisement; and shall on a demand made not later than twenty (20) days after such report redeliver or cause to be redelivered to the order of the collector of customs any of such merchandise for the purpose of marking pursuant to the provisions of paragraph 367 or 368, or section 304, Tariff Act of 1930, as amended; then this obligation shall be void, otherwise it shall remain in full force and effect.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: May 20, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-4247; Filed, May 26, 1949; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCKYARDS, INC., ST. LOUIS, MO.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on February 18, 1949 (8 A. D. 169) extending the authorization to continue the current temporary rates and charges in effect for a period of one year, beginning March 5, 1949.

By a petition filed on May 12, 1949, the respondent has requested an authorization to file an amendment to its current tariff establishing the following rates for yardage services.

	Per head
Yardage on all classes of original receipts and re-sales in commission division:	
Bulls	$1.00
Cattle	.70
Calves (400 pounds or under)	.43
Hogs	.25
Sheep and goats	.16
Horses and mules	.50
Livestock consigned direct to packers:	
Bulls	.50
Cattle	.35
Calves (400 pounds or under)	.22
Hogs	.13
Sheep and goats	.08
Livestock resold by commission firms:	
Bulls	1.00
Cattle	.70
Calves (400 pounds or under)	.43
Hogs	.25
Sheep and goats	.16
Livestock resold on the local market by dealers:	
Bulls	.24
Cattle	.18
Calves (400 pounds or under)	.12
Hogs	.06
Sheep and goats	.04
Livestock resold by dealer and shipped:	
Bulls	.11
Cattle	.08
Calves (400 pounds or under)	.05
Hogs	.03
Sheep and goats	.03

The authorization, if granted, will produce additional revenue for the respondent and increase marketing costs to shippers. Accordingly, this notice of the petition for modification is given to the public.

All interested persons who wish to be heard upon the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 20th day of May 1949.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-4226; Filed, May 26, 1949; 8:48 a. m.]

[7 CFR, Part 52]

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the issuance, as hereinafter set forth, or requirements for plants operating under continuous inspection, on a contract basis, of fruits and vegetables used in the manufacture or production of processed products therefrom. Such proposed action is to be taken pursuant to the authority contained in § 52.52 of the revised regulations governing the inspection and certification of processed fruits, vegetables, and other products (13 F. R. 5300). The aforesaid regulations are currently effective under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948).

All persons who desire to submit written data, views, or arguments to be considered in connection with these requirements should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after the publication hereof in the FEDERAL REGISTER.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS [1]

§ 52.80 *Definitions.* (a) Unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, all terms which are used herein shall have the meaning applicable to such terms when used in the regulations.

(b) "Regulations" means the revised regulations governing the inspection and certification of processed fruits, vegetables, and other processed products (13 F. R. 5300).

(c) "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

§ 52.81 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Ad-

[1] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

ministrator will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such service in accordance with:

(1) The regulations;

(2) The requirements contained in these sections (i. e., §§ 52.80 through 52.87); and

(3) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 52.82 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 52.83 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Administrator may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and raw fruits and vegetables) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall be provided for all outside doors where practicable. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 52.84 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms in the immediate vicinity of rooms in which processed products are being manufactured shall be adequately screened and equipped with self-closing doors.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 52.85 *Equipment.* All equipment used for receiving, washing, segregating, pickling, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging, or other processing operation applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of stainless steel or equally corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 52.86 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 52.80 through 52.87 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedure include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Administrator, such changes shall be effectuated as soon as practicable.

§ 52.87 *Personnel; health.* In addition to such other requirements as may

be prescribed by the Administrator with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;

(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

Issued at Washington, D. C., this 24th day of May 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-4262; Filed, May 26, 1949; 8:59 a. m.]

[7 CFR, Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF PROPOSED RULE MAKING RELATING TO CONSIDERATION OF SUSPENSION OF CERTAIN PROVISIONS OF ORDER, AS AMENDED

Notice is hereby given that pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.), consideration is being given to the suspension of the provision in § 927.5 (a) (1) (ii) of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, which provision reads: "January through June".

In accordance with the Administrative Procedure Act (5 U. S. C. 1946 ed. 1001 et seq.), all persons who desire to submit written data, views, or arguments with respect to the necessity for the action under consideration, will be given an opportunity to do so by filing them in quadruplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the seventh day after publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 24th day of May 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-4227; Filed, May 26, 1949; 8:48 a. m.]

[7 CFR, Part 935]

HANDLING OF MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was conducted at Omaha, Nebraska, on March 3 and 4, 1949, pursuant to notice thereof which was issued on February 15, 1949 (14 F. R. 738).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 26, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 30, 1949 (14 F. R. 2145).

The material issues of record related to (1) redefining emergency milk and the conditions under which it should be handled, (2) reclassifying certain milk products, (3) pooling separately Grade A and Nongrade A milk, (4) pricing Class I and Class II milk, (5) establishing a premium for Grade A milk, (6) preventing contra-seasonal price trends, and (7) increasing the butterfat differential to producers.

Rulings on exceptions. Exceptions were filed on behalf of the Nebraska-Iowa Non-Stock Cooperative Milk Association and Roberts Dairy Company. These exceptions have been considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions pertaining thereto, such exceptions are hereby overruled.

Findings and conclusions—Findings and conclusions on the record. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (14 F. R. 2145) with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. These findings and conclusions are supplemented by the following general findings.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions hereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Omaha-Council Bluffs Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Omaha-Council Bluffs Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of May 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in Omaha-Council Bluffs Marketing Area

§ 935.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended regulating the handling of milk in the Omaha-Council Bluffs marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Omaha-Council Bluffs marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 935.1 (l) and substitute therefor the following:

(l) "Emergency milk" means skim milk or butterfat other than that in producer milk which is received by a handler under the conditions and subject to the limitations prescribed in § 935.4 (f).

2. Add as § 935.1 (p) the following:

(p) "Grade A milk" means (1) producer milk which is produced in conformity with the Grade A quality requirements of the milk ordinance of any of the municipalities in the marketing area, or (2) skim milk or butterfat other than that in producer milk which is received by a handler and which is permitted by the health authorities of any of the municipalities in the marketing area to be labeled "Grade A".

3. Delete subparagraphs (1) and (2) of § 935.4 (b) and substitute therefor the following:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, or flavored milk drinks and all skim milk and butterfat not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of butterfat and skim milk containing more than 6 percent butterfat, for consumption in fluid form, and eggnog.

4. Amend § 935.4 (c) (1) by deleting therefrom the reference, "(f) (2)", and substituting therefor the reference, "(g) (2)."

5. Amend § 935.4 by renumbering paragraph "(f)" thereof as paragraph "(g)," and inserting as paragraph "(f)" the following:

(f) *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available to any handler is insufficient for such handler's disposition of Class I milk and Class II milk, skim milk or butterfat, other than that in producer milk, which is received by such handler and which is permitted by the health authorities of any of the municipalities in the marketing area to be disposed of as Class I milk or as Class II milk shall be considered emergency milk up to an amount equal to the difference between the receipts by such handler of skim milk or butterfat in producer milk and 115 percent of his total disposition of skim milk or butterfat as Class I milk and Class II milk: *Provided,* That in any delivery period in which the market administrator determines that the supply of skim milk or butterfat in Grade A producer milk available to any handler is insufficient for such handler's disposition of skim milk or butterfat in those products which are required by the health authorities of any of the municipalities in the marketing area to be made from Grade A milk; Grade A skim milk or Grade A butterfat, other than that in Grade A producer milk, which is received by such handler shall be considered emergency milk up to an amount equal to the difference between the receipts by such handler of skim milk or butterfat in Grade A producer milk and 115 percent of his disposition of skim milk or butterfat in those products which are required to be made of Grade A skim milk or Grade A butterfat, even though the available supply of skim milk or butterfat in producer milk is sufficient for such handler's total disposition of skim milk or butterfat in Class I milk and Class II milk.

6. Delete § 935.5 (b) (1) and substitute therefor the following:

(1) *Class I.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of April, May, June, and July, and plus $1.15 during all other months of the year.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period $15.00 during April, May, June, and July, and $23.00 during all other months of the year.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

7. Delete § 935.5 (b) (2) and substitute therefor the following:

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of April, May, June, and July, and plus $1.15 during all other months of the year.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period $15.00 during April, May, June, and July, and $23.00 during all other months of the year.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

8. Amend §§ 935.6 and 935.7 by deleting all references therein to "§ 935.4 (f)" and substituting therefor references to "§ 935.4 (g)."

9. Delete § 935.7 (a) (3) and substitute therefor the following:

(3) *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to subparagraph (1) of this paragraph shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than or shall deduct from the uniform price for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent not more than an amount computed by the market administrator as follows: To the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, add 20 percent, divide the resulting sum by 10, and adjust to the nearest cent.

[F. R. Doc. 49-4261; Filed, May 26, 1949; 8:59 a. m.]

[7 CFR, Part 971]

HANDLING OF MILK IN DAYTON–SPRINGFIELD OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held at Dayton, Ohio, on January 17, 18, and 19, 1949, after the issuance of a notice on January 7, 1949 (14 F. R. 185).

Certain of the material issues on the record required prior action and a decision with respect to these issues was filed on April 19, 1949 (14 F. R. 2029). The order, as amended, was further amended in these respects, effective May 1, 1949 (14 F. R. 2135).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 21, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to the remaining issues. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (14 F. R. 2045).

Exceptions were filed on behalf of the Miami Valley Cooperative Milk Producers Association, Inc. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of the recommended decision as hereinafter modified, are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 49–3227; 14 F. R. 2045) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. Add at the end of the ninth paragraph in column 2, 14 F. R. 2045 (F. R. Doc. 49–3227), the following: "In most years the seasonal decline in milk prices ends in the month of June."

2. Delete the first sentence of the last paragraph in column 2, 14 F. R. 2045 (F. R. Doc. 49–3227), and substitute therefor the following: "In order to mitigate contraseasonal price movements to achieve a closer alignment of prices seasonally with seasonal cost changes and to encourage the production of milk in those months when it is needed most, it is concluded that a provision should be adopted under which the minimum prices for Class I and Class II milk in the months of October, November and December shall not be less than the arithmetical average of the formula prices for such classes, respectively, for the two immediately preceding months and the minimum prices for such classes in the months of April, May and June shall not be higher than the arithmetical average of the formula prices for the two immediately preceding months."

3. Delete the second paragraph beginning in column 2, 14 F. R. 2046 (F. R. Doc. 49–3227) and substitute therefor the following:

(5) The definition of "month" should be deleted and the proposed definition of the term "delivery period" should not be included in the order.

The definition of "month" now included in the order as "calendar month" is not necessary in this order because the two terms "month" and "calendar month" may be applied synonymously. It is determined that because of the ordinary and usual meaning of the term "month" as one of the twelve divisions of the year (such as February, June, August, etc.) it does not need to be defined for the purposes of the various provisions of the order. However, the use of this term within the text of the order shall not be construed to prevent the issuance by the Secretary of amendments to the order, as amended, to be effective on any day of a month. In view of the above it is therefore concluded also that it is not necessary to include a definition of delivery period as was proposed.

(6) In order that other provisions of the order will conform with amendments recently made effective, it is found necessary to substitute for the definition of "emergency milk" a definition of "other source milk" to include milk delivered by temporarily de-graded Grade A producers, which under present provisions is not classified as producer milk, yet is not included in the definition of emergency milk as presently included in the order. It is also concluded that the wording of the price formulas based on the market prices of butter and cheese should be somewhat modified to better describe the price reports used in these computations.

In view of the number of amendments heretofore made to the order and the numerous changes involved in recent amendments, it is concluded that a general revision of the order should be made to incorporate all amendments and to make conforming changes required by certain of the amendments.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area," and "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Determination of representative period. The month of February, 1949, is hereby determined to be a representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with the decision.

This decision filed at Washington, D. C., this 24th day of May 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in Dayton-Springfield, Ohio, Marketing Area

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors,

insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 971.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Dayton-Springfield, Ohio, marketing area," hereinafter called the "marketing area," means the cities of Dayton, Oakwood, and Springfield; the townships of Bath and Miami, in Greene County; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River, and Washington, in Montgomery County; and German township in Clark County; all in the State of Ohio.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (1) received at a plant from which Class I milk is disposed of in the marketing area, or (2) caused by a handler to be delivered to a plant from which Class I milk is not disposed of in the marketing area: *Provided*, That any such person who is not certified as a Grade A producer but who produces milk which is received at a handler's plant from which no milk is distributed in the marketing area for consumption as fluid milk (in Class I milk) except under a Grade A label, shall be considered a producer for the purposes of § 971.9 (a) only.

(f) "Grade A producer" means any producer certified to the market administrator as a Grade A producer by an appropriate health authority in the marketing area if such certification has been in effect for not less than 16 days during the month.

(g) "Handler" means (1) any person, except a person who receives other source milk only, with respect to milk (including any milk from his own farm production) received by him at a plant from which Class I milk is disposed of in the marketing area, or (2) any cooperative association, or other person included under subparagraph (1) of this paragraph, with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which such cooperative association or person causes to be delivered to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a handler in accordance with subparagraph (2) of this paragraph shall be considered as having been received by such handler. With respect to milk caused by a handler to be delivered directly from the producer's farm to another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator.

(h) "Other source milk" means all skim milk and butterfat received by a handler other than in (1) milk received from producers or associations of producers and (2) any non-fluid milk product received and disposed of in the same form.

(i) "Cooperative association" means any cooperative association of producers which, as determined by the Secretary, has (1) its entire activities under the control of its members, and (2) meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

(j) "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized to perform the price reporting functions specified in § 971.5.

§ 971.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

(b) *Powers.* The market administrator shall have the power:

(1) To administer this order in accordance with its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof; and

(3) To make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by § 971.9, (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under § 971.10, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate.

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 971.3 (a), or (ii) payments pursuant to § 971.8;

(6) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(7) On or before the 12th day after the end of each month, report to each cooperative association for such month, with respect to each handler, the utilization, on a pro rata basis, of milk of producers, payment for which is to be made to such cooperative association pursuant to § 971.8 (a) (2); and

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

§ 971.3 *Reports, records, and facilities*—(a) *Monthly report of receipts and utilization.* On or before the 7th day after the end of each month, each handler shall report to the market administrator for each plant, with respect to all milk and milk products received during such month, in the detail and on forms prescribed by the latter, (1) the butterfat tests, quantities, and sources of all milk, skim milk, cream, and other milk products received; (2) the utilization thereof; and (3) such other information with respect to such receipts and utilization as the market administrator may request.

(b) *Other reports.* (1) Each handler who receives at his plant only milk from his own farm production or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) On or before the 22d day after the end of each month each handler shall submit to the market administrator such handler's producer pay roll for such month, which shall show (i) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (ii) the amount of payment

to each producer and association of producers, and (iii) the nature and amount of the deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such amounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify, or to establish the correct data with respect to (1) the utilization, in whatever form, of all skim milk and butterfat received; (2) the weights, samples, and tests for butterfat content of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers and associations of producers.

(d) *Retention of records.* All books and records required to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 971.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk, or in skim milk, cream, and other milk products received by a handler at a plant from which Class I milk is disposed of in the marketing area or caused to be delivered in the manner described in § 971.1 (f) (2) shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) and (d) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form (except that which has been dumped or disposed of for livestock feeding) as (i) milk, including reconstituted milk; (ii) skim milk; (iii) buttermilk; (iv) flavored milk or flavored milk drinks; and (v) all skim milk or butterfat not specifically accounted for as Class II or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of (i) in fluid form as sweet or sour cream; (ii) in fluid form as any mixture of cream and milk (or skim milk) which contains 8 percent or more but less than 18 percent of butterfat.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as (i) used to produce, or disposed of as, ice cream, ice cream mix, frozen cream, condensed milk, condensed skim milk, cottage cheese, any other milk product not specified in Class I and Class II milk, or any commercially manufactured food product; (ii) having been dumped or disposed of for livestock feeding; or (iii) plant shrinkage but not in excess of 2½ percent, respectively, of the total receipts of skim milk or butterfat, not including skim milk or butterfat received from other handlers: *Provided,* That skim milk or butterfat transferred by a handler to any plant of another handler, without first having been weighed and tested in the transferring handler's plant, shall be included in the receipts at the plant of the handler weighing and testing such skim milk or butterfat for the purpose of computing his plant shrinkage to be classified as Class III milk and shall be excluded from the receipts of the transferring handler for the purpose of computing his plant shrinkage to be classified as Class III milk.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if later used or disposed of (whether in original or other form) by a handler in another class, in accordance with such later use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, skim milk or butterfat when transferred in fluid form as milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, by a handler who receives milk from producers or from an association of producers shall be classified (i) in the class as agreed upon by both handlers if transferred to a handler other than as described in subdivision (ii) of this subparagraph, subject to verification by the market administrator; (ii) as Class I milk, if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (iii) as Class I milk if transferred to a person other than a handler who distributes milk in fluid form or manufactures milk products: *Provided,* That if the selling handler on or before the 7th day after the end of the month during which the transfer was made furnishes to the market administrator a statement which is signed by the buyer and the seller that such skim milk or butterfat was used as a product covered by Class II milk or Class III milk, such skim milk or butterfat shall be classified accordingly, subject to verification by the market administrator.

(2) Subject to the conditions set forth in paragraph (c) of this section, skim milk and butterfat when transferred in fluid form as cream from a handler who receives milk from producers or from an association of producers shall be classified (i) in the class as agreed upon by both handlers if transferred to a handler other than as described in subdivision (ii) of this subparagraph, subject to verification by the market administrator; (ii) as Class II milk if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (iii) as Class II milk if transferred by a handler to a person other than a handler who distributes cream in fluid form or manufactures milk products: *Provided,* That if the selling handler on or before the 7th day after the end of the month during which the transfer was made furnishes to the market administrator a statement which is signed by the buyer and the seller that such skim milk and butterfat was used as a product covered by Class I milk or Class III milk, such skim milk and butterfat shall be classified accordingly, subject to verification by the market administrator.

(e) *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler for such month and compute the respective amounts of skim milk and butterfat from milk of producers and of associations of producers in Class I milk, Class II milk, and Class III milk, as follows:

(1) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce all other milk products received;

(2) Determine the total pounds of butterfat contained in the receipts computed pursuant to subparagraph (1) of this paragraph;

(3) Determine the total pounds of skim milk contained in the receipts computed pursuant to subparagraph (1) of this paragraph;

(4) Determine the total pounds of butterfat in Class I milk by: (i) Computing the sum of the pounds of butterfat disposed of in each of the several items of Class I milk; and (ii) adding all other butterfat not specifically accounted for as Class II milk or Class III milk;

(5) Determine the total pounds of skim milk in Class I milk by: (i) Computing the sum of the pounds (not including flavoring materials) disposed of as each of the several items of Class I milk; (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding all other skim milk not specifically accounted for as Class II milk or Class III milk;

(6) Determine the total pounds of butterfat in Class II milk by computing the sum of the pounds of butterfat disposed of in each of the several items of Class II milk;

(7) Determine the total pounds of skim milk in Class II milk by: (i) Computing the sum of the pounds of milk, skim milk, and cream disposed of in each

of the several items of Class II milk; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph;

(8) Determine the total pounds of butterfat in Class III milk by: (i) Computing the sum of the pounds of butterfat used to produce each of the several items of Class III milk; and (ii) adding the plant shrinkage of butterfat computed pursuant to paragraph (b) (3) (iii) of this section;

(9) Determine the total pounds of skim milk in Class III milk by: (i) Computing the sum of the pounds of milk, skim milk, cream, and other milk products which were used to produce each of the several items of Class III milk; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; and (iii) adding the plant shrinkage of skim milk computed pursuant to paragraph (b) (3) (iii) of this section; and

(10) Determine the classification of milk received from producers and from associations of producers by:

(i) Subtracting, respectively, from the total pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk; the pounds of skim milk and butterfat received as other source milk;

(ii) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk, the pounds of skim milk and butterfat received from any handler who receives no milk from producers or from associations of producers other than such handler's own farm production;

(iii) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, the pounds of skim milk and butterfat received from handlers other than those described in subdivision (ii) of this subparagraph, and used in such class; and

(iv) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk, the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds of milk received from producers and from associations of producers.

§ 971.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I milk and Class II milk prices.* The basic formula price per hundredweight of milk to be used in determining the Class I milk and Class II milk prices for the month as provided by this section shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content determined pursuant to subparagraphs (1), (2), or (3) of this paragraph:

(1) The market administrator shall compute an average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during such month at the following places for which prices are reported to the market administrator by the companies listed below or by the Department of Agriculture:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The market administrator shall compute a price as provided below in this subparagraph:

(i) Calculate the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter during such month as reported by the Department of Agriculture for the Chicago market, and multiply such average by 6;

(ii) Add 2.4 times the arithmetical average of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within such month as published by the Department of Agriculture;

(iii) Divide by 7 and to the resulting amount add 30 percent; and

(iv) Multiply the amount computed in subdivision (iii) of this subparagraph by 3.5.

(3) The market administrator shall compute a price by adding together the plus amounts calculated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price of butter computed pursuant to subparagraph (2) (i) of this paragraph, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) Calculate the arithmetical average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within such month as reported by the Department of Agriculture, deduct 5.5 cents, and multiply the result by 8.2.

(b) *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed by the market administrator as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month:	*Amount*
April, May, June, and July	$0.75
All others	1.05

Provided, That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding; and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding.

(2) The price per hundredweight of Class I butterfat shall be the average price of butter computed pursuant to paragraph (a) (2) (i) of this section multiplied by 135.

(3) The price per hundredweight of Class I skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and associations of producers which is classified as Class II milk shall be computed by the market administrator as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month:	*Amount*
April, May, June, and July	$0.45
All others	.75

Provided, That the price of Class II milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding; and the price of Class II milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding.

(2) The price per hundredweight of Class II butterfat shall be the average price of butter computed pursuant to paragraph (a) (2) (i) of this section multiplied by 130.

(3) The price of Class II skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(d) *Class III milk prices.* The prices to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class III milk shall be computed by the market administrator as follows:

(1) Calculate the price per hundredweight of butterfat by multiplying the average price of butter computed pursuant to paragraph (a) (2) (i) of this section by 120 for the months of April, May, June, and July, and by 125 for all other months: *Provided*, That the price per hundredweight of butterfat made

into butter shall be computed for all months by multiplying the average price of butter computed pursuant to paragraph (a) (2) (i) of this section by 120, and then subtracting $3.60.

(2) The price per hundredweight of such skim milk shall be computed by dividing the amount computed pursuant to paragraph (a) (3) (ii) of this section by .965, and (i) for the months of April, May, June, and July, subtracting 20 cents, (ii) for all other months except August, adding 20 cents.

(e) *Grade A milk prices.* Each handler shall pay, in addition to the prices provided in paragraphs (b), (c), and (d) of this section, $0.25 per hundredweight with respect to all skim milk and butterfat in milk received from Grade A producers up to an amount equivalent to such handler's total quantity of producer milk classified as Class I milk and Class II milk pursuant to § 971.4 (e) (10).

§ 971.6 *Application of provisions.* Sections 971.5, 971.7, 971.8, 971.9, 971.10, 971.11, and 971.12 shall not apply to a handler who receives at his plant only milk of his own farm production or from other handlers.

§ 971.7 *Handler's obligation and uniform price*—(a) *Value of milk.* The value of milk of each handler for each month shall be a sum of money computed by the market administrator by:

(1) Multiplying by the applicable class prices for skim milk and butterfat, pursuant to paragraphs (b), (c), and (d) of § 971.5, the amounts of skim milk and butterfat in each class which were received either in milk from producers or from an association of producers during such month, and adding together such amounts;

(2) Adding any amount required pursuant to § 971.5 (e);

(3) Adding an amount equal to the value of any skim milk or butterfat subtracted pursuant to § 971.4 (e) (10) (iv) at the applicable price for the class (or classes) from which such skim milk or butterfat was subtracted;

(4) Adding an amount computed by multiplying the differences between the Class III price and the price of the class of disposition by the respective quantities of any skim milk or butterfat disposed of by a handler as Class I or Class II milk which was received as milk, skim milk or cream from a handler who receives no milk from producers or an association of producers other than from his own farm production; and

(5) Adding or subtracting, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

(b) *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of the value of his milk for such month as computed in accordance with paragraph (a) of this section and of the amount by which such value is greater or less than the total amount required to be paid by such handler pursuant to § 971.8 (a).

(c) *Computation of the uniform price.* For each month the market administrator shall compute, with respect to milk received by handlers from producers and from associations of producers, a uniform price per hundredweight by:

(1) Combining into one total the values for skim milk and butterfat of all handlers, except those of handlers who failed to make payments required pursuant to § 971.8 (d) for the preceding month and except the values provided by § 971.5 (e);

(2) Adding an amount representing not less than one-half the unobligated balance in the producer-settlment fund;

(3) Subtracting an amount equivalent to the monies to be retained pursuant to § 971.11 (b);

(4) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the Class III price for butterfat, as computed prior to the proviso in § 971.5 (d).

(5) Dividing by the hundredweight of pooled milk; and

(6) Subtracting not less than 4 cents nor more than 5 cents.

The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers and from associations of producers for such month.

(7) To the uniform price computed pursuant to subparagraph (6) of this paragraph add an amount computed (to the nearest cent per hundredweight) by dividing the total of the amounts required pursuant to § 971.5 (e) by the total hundredweight of milk received from Grade A producers. The result shall be known as the "Grade A uniform price" per hundredweight for milk of 3.5 percent butterfat content for such month.

(d) *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by dividing the Class III price per hundredweight of butterfat for such month, as computed prior to the proviso in § 971.5 (d) by 1,000.

(e) *Announcement of prices.* (1) On or before the 6th day after the end of each month the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers or from associations of producers during such month.

(2) On or before the 12th day after the end of each month the market administrator shall notify all handlers and make public announcement of the uniform prices computed pursuant to paragraph (c) of this section for such month, and of the butterfat differential computed pursuant to paragraph (d) of this section for such month.

§ 971.8 *Payment for milk*—(a) *Time and method of final payment.* Each handler shall pay on or before the 17th day after the end of each month, for all milk received from producers during such month, subject to the butterfat differential announced pursuant to § 971.7 (e) (2) and less the amount of the payment made pursuant to paragraph (b) of this section, as follows: To each producer not a Grade A producer at not less than the uniform price and to each Grade A producer at not less than the Grade A uniform price: *Provided,* That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment, shall be paid to such association on or before the 16th day after the end of such month.

(b) *Partial payments.* (1) On or before the 27th day of each month each handler shall make payment except as set forth in subparagraph (2) of this paragraph, to each producer at not less than $2 per hundredweight for the milk of such producer which was received by such handler during the first 15 days of such month.

(2) On or before the 26th day of each month, each handler shall make payment to an association of producers for milk of producers from whom such cooperative association has received written authorization to collect payment, at not less than $2 per hundredweight for all such milk which was received by such handler during the first 15 days of such month.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments due to handlers pursuant to paragraph (e) of this section: *Provided,* That the market administrator shall offset any such payment due any handler against payments due from such handler.

(d) *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to paragraph (a) of this section.

(e) *Payments out of the producer-settlement fund.* (1) On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the total value of the milk of such handler for such month.

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this paragraph shall be deemed to be in violation of

paragraph (a) of this section if he reduces his payments per hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

(f) *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to paragraph (a) or paragraph (b) of this section, discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to paragraph (a) or paragraph (b) of this section next following such disclosure.

§ 971.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.2 (c) (3), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Milk from producers (including such handler's own production); and

(b) Other source milk classified as Class I milk and Class II milk.

§ 971.10 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.8, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may have been authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

§ 971.11 *Cooperative association payments*—(a) *Eligibility.* Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws; to be operating as a producer-controlled marketing association exercising full authority in the sale of milk of, and assuming responsibility for making payments to some of its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association, shall be entitled, under the further conditions hereinafter specified, to receive, on and after such date as the Secretary shall deem to be appropriate, until the time as of which such payments have been suspended in the manner provided in paragraph (d) of this section, payments as follows: At the rate of one-half cent per hundredweight on all milk (1) marketed by it on behalf of those members for whom it is exercising full authority in the sale of milk and is assuming responsibility for making payments, and (2) on which reports and payments have been made as required under §§ 971.3 (a) and 971.8.

(b) *Payment.* The market administrator, upon receiving from a cooperative association an application for payments pursuant to this section, shall retain for each month thereafter in the producer-settlement fund such sum as he estimates is ample to make such payments to the applicant. Such sum shall be held in reserve until the Secretary has ruled upon said application and, when the application has been ruled upon, the market administrator shall make payment or issue credit out of such reserve in accordance with said ruling and shall release the balance of the reserved sum, if any, for disposition pursuant to § 971.7 (c) (2). Also, the market administrator, except as provided in paragraph (d) of this section, shall make, on or before the 15th day of each month, such payments or issue credit therefor out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time as requested by the market administrator, make reports to him with respect to its conformity with any or all of the conditions for qualification or to the use of such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension.* Whenever he has reason to believe that such association is no longer qualified to receive payment, the market administrator shall suspend payment upon his own initiative or upon request by the Secretary, by giving written notice to the cooperative association and to the Secretary. Such suspended payments shall be aggregated and held in reserve until the Secretary, after giving notice and opportunity for hearing, has appraised the performance of the cooperative association in meeting the conditions set forth in paragraph (a) of this section, and either has issued an order for a partial or complete payment of funds held in reserve to the cooperative association or an order disqualifying such association. Such an order by the Secretary shall be made effective as of whatever date he may deem appropriate. Any balance of funds held in reserve and not paid to the cooperative association shall be released for disposition pursuant to § 971.7 (c) (2).

§ 971.12 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof, obstructs, or does not tend to effectuate, the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 971.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in

connection with any of the provisions hereof.

§ 971.14 *Separability of provisions.* If any provision of this order, or the application thereof to any person or circumstances, is held invalid, the remainder of the order, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 971.15 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 49-4258; Filed, May 26, 1949; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 681]

MINIMUM PIECE RATE FOR HAND-BRAIDING OF COTTON TAPE BUTTONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001), that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to establish a minimum piece rate of 30 cents per gross for the performance of the following operation by homeworkers in Puerto Rico: Hand-braiding of cotton tape buttons, 24 to 30 ligne. This operation consists of tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling at the ends of the strip, inserting the ends of the strip into the braided part, and bringing the ends together.

Prior to the final adoption of such minimum piece rate, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

The proposed rate is to be issued under the authority contained in section 6 (a) (5) of the Fair Labor Standards Act of 1938 (sec. 3 (f), 54 Stat. 616; 29 U. S. C. 206 (a) (5)).

Signed at Washington, D. C., this 16th day of May 1949.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 49-3996 Filed, May 26, 1949; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 8, 13]

[Docket No. 8913]

SHIP SERVICE AND COMMERCIAL RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 8 and 13 of the Commission's rules and regulations governing the Ship Service and commercial radio operators, respectively.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1949;

The Commission having under consideration the resumption of the general public hearing and oral argument in the above-entitled matter which commenced on January 24, 1949, and continued through January 25, 1949, and was then adjourned to a future date to be announced at a later time,

It is ordered, That September 19 and 20, 1949, are designated for the resumption and completion of this hearing and oral argument, and such hearing and oral argument shall commence at 10:00 a. m. before the Commission en banc in Room 6121, New Post Office Building, Washington, D. C.

It is further ordered, That the parties herein shall file with the Commission by not later than Friday, August 26, 1949, a statement showing whether they intend to present direct testimony or oral argument, or both, and if so, the amount of time (in minutes) expected to be needed for each of these purposes.

Released: May 19, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 49-4238; Filed, May 26, 1949; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Federal Supply

ORGANIZATIONAL STATEMENT

The statement on organization of the Bureau of Federal Supply (11 F. R. 177 A-98; id. 10616; id. 13638; 12 F. R. 535; id. 1419; id. 1724; 13 F. R. 448; id. 8761) is revised to read as follows:

Sec.
1. Central organization.
2. Field organization.
3. Foreign organization.
4. Delegations of final authority.
5. Public information, submittals and requests.
6. Final opinions or orders and rules.
7. Official records.

SECTION 1. *Central organization.* The Bureau of Federal Supply was established in the Treasury Department pursuant to the Reorganization Act of 1933 (47 Stat.

1517) by Executive Order 6166 dated June 10, 1933 (5 U. S. C. 132 note). The work of the Bureau is concerned chiefly with the determination of policies and methods of procurement, warehousing and distribution of supplies and services required by Executive agencies, the performance of such activities, the standardization of purchase specifications, item identifications and contract forms, and the disposal of surplus personal property of Executive agencies.

The work of the Bureau of Federal Supply is carried on principally through five branches and seven divisions, as well as several interdepartmental and industry advisory committees, such as the Advisory Committee on Procurement Policy, the Federal Standard Contract Committee, the Interdepartmental Traffic Committee, the Federal Specifications Board and the Industry Advisory Council.

(a) *Purchase and Stores Branch.* It is responsible for the purchase of supplies and services for the general requirements of Executive agencies, and also for such purchases, including transportation and storage, under special procurement programs. It receives, stores and issues supplies, materials and equipment for use by Executive agencies; stores and issues solid and liquid fuels for use by the Federal Government and the District of Columbia Government in Washington, D. C., and vicinity; and operates a furniture repair shop, an automobile repair shop and a typewriter repair shop. It coordinates purchases by Executive agencies of blind-made products pursuant to the Act of June 25, 1938 (52 Stat. 1196; 41 U. S. C. 46–48), and controls the disposition of various personal property abandoned, seized or forfeited to the Government.

(b) *Strategic and Critical Materials Branch.* It is responsible, at the direction of the Secretaries of the Army and the Navy, for the purchase of strategic and critical materials, including the transportation, maintenance, rotation, processing and storage of stock piles thereof, under the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U. S. C. 98–98h). For this purpose, offices are maintained in this country and abroad, including ones at Paris, France, and Johannesburg, South Africa.

(c) *Standards Branch.* It develops standard Federal and Bureau of Federal Supply purchase specifications required by the Executive Branch in its supply processes; maintains the Federal Standard Stock Catalog of uniform property classification and item identification of commodities entering the Federal supply system; and is responsible for development of the operating details of a unified catalog system for Executive agencies. It inspects and tests supplies, materials and equipment received by the Bureau, and investigates complaints with respect to purchases by Executive agencies from Bureau stock or under Bureau contracts for compliance with specifications and contract conditions.

(d) *Administrative Branch.* It is responsible for the personnel administration and management of the Bureau; the preparation and justification of all budgetary requirements; the coordination of organizational, procedural and management studies to develop standard administrative policies and procedures; and it performs administrative functions of the Bureau, such as those concerning the mail, files, messengers, and supplies and space requirements. It furnishes general information regarding the activities of the Bureau.

(e) *Fiscal Branch.* It is responsible for financial policies and maintenance of the accounting and fiscal system of the Bureau; processes payment of public vouchers and other claims of or against the Bureau; and maintains appropriate liaison with vendors and agencies doing business with the Bureau.

(f) *Legal Division.* It is responsible, under the supervision of the General Counsel of the Treasury Department, for planning and performing all legal work of the Bureau.

(g) *Public Utilities Division.* It makes economic and technical analyses of existing and proposed public utility services of Executive agencies in order to effect rate reductions and consolidation and realignment of equipment for increased efficiency and economy. It also assists in proceedings before appropriate regulatory bodies.

(h) *Central Traffic Service Division.* It coordinates and directs traffic and transportation activities of Executive agencies to secure the most economical movement of Government supplies, materials and equipment, negotiates with carriers for special rates to effectuate such purpose and, as necessary, represents the Government before appropriate regulatory bodies.

(i) *Surplus Property Division.* It coordinates and supervises the disposition of surplus personal property of Executive agencies under the provisions of the act of December 20, 1928 (45 Stat. 1030; 40 U. S. C. 311a) and Executive Order 6166 (5 U. S. C. 132 note). It receives reports of such property; directs the transfer of such property located outside the District of Columbia as is requested by agencies for their use; and, as to such property located inside the District of Columbia, it takes custody thereof, transfers serviceable items at estimated current market value to agencies making request therefor, and sells unserviceable items commercially.

(j) *Government Requirements Division.* It makes economic studies and statistical analyses and develops plans and policies to be used as a basis for determining purchase policies and methods for carrying out the functions of the Bureau.

(k) *Renegotiation Rebate Division.* In accordance with policies and regulations prescribed by the War Contracts Price Adjustment Board, it determines net renegotiation rebates due war contractors of the Government pursuant to the Renegotiation Act (58 Stat. 80; 50 U. S. C. App. 1191).

(l) *Investigating and Examining Division.* It inspects administrative and fiscal operations of the Bureau to insure effectiveness and integrity; directs internal audits of fiscal records; and investigates personnel irregularities and loyalty, accident claims, and other matters involving the Bureau.

SEC. 2. *Field organization.* The field organization in this country is composed of nine Supply Centers, two with branches, each headed by a Manager. Each office is responsible for effectively carrying out the activities of the Bureau within the areas assigned to it, following for this purpose the directives, policies and procedures established by the Washington Office. Field office activities include procuring, inspecting, storing, issuing, and delivering supplies, materials and equipment to Executive agencies within the assigned area and, in addition, acting as liaison with such agencies to improve and develop centralized procurement and distribution within such assigned areas; inspecting, expediting, storing and transporting supplies, materials and equipment purchased by the Washington Office for special procurement programs; performing administrative functions incident to its field activities, including maintenance of accounts, preparation and certification of vouchers, and auditing of invoices and other documents; and performing necessary service functions required in its activities.

(a) *Supply Centers; headquarters and areas.* Supply Center headquarters and areas served, as defined in paragraph (b) of this section, are as follows:

(1) New York, New York: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York and Pennsylvania. A Branch Supply Center is located at Boston, Massachusetts.

(2) Cleveland, Ohio: Indiana, Kentucky, Ohio and West Virginia.

(3) Chicago, Illinois: Illinois, Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.

(4) Atlanta, Georgia: Alabama, Florida, Georgia, Mississippi, South Carolina and Tennessee.

(5) Fort Worth, Texas: Arkansas, Louisiana, Oklahoma and Texas.

(6) Kansas City, Missouri: Iowa, Kansas, Missouri and Nebraska.

(7) Denver, Colorado: Colorado, New Mexico, Utah and Wyoming.

(8) San Francisco, California: Arizona, California, Nevada, Hawaii and the Philippine Islands. A Branch Supply Center is located at Los Angeles, California.

(9) Seattle, Washington: Idaho, Montana, Oregon, Washington and Alaska.

(10) Washington, D. C.: Such functions as are ordinarily performed by a field office are performed by the Washington Office for Delaware, Maryland, North Carolina and Virginia and the District of Columbia, Puerto Rico and the Virgin Islands.

(b) *"Areas served" defined.* Areas served by Supply Centers and the Washington Office in its field activities are the geographical areas specified for each in paragraph (a) of this section as well as areas within the most economical transportation cost from each office. The latter areas are set out in the Bureau of Federal Supply Stock Catalog, copies of which are available at all offices.

SEC. 3. *Foreign organization.* To accelerate and facilitate the acquisition of strategic and critical materials from foreign sources, the Bureau maintains of-

fices at Paris, France, and Johannesburg, South Africa. Each office is in charge of a Manager.

SEC. 4. *Delegations of final authority.* Final authority has been delegated as follows as to:

(a) *Contracts and agreements.* Award and execution of contracts and agreements, including formal contracts and agreements, commitment or acceptance documents, notices of award, orders for surplus personal property, and orders for supplies or services from Executive agencies, but not including leases and performance and exercise of functions and powers under section 201 of the First War Powers Act, 1941 (55 Stat. 839; 50 U. S. C. App. 611):

(1) *Washington Office.* (i) Without limitation—Director, Bureau of Federal Supply; Assistant Director, Operations; Deputy Director, Purchase and Stores Branch; Deputy Director, Strategic and Critical Materials Branch; and Special Assistant to the Deputy Director, Purchase and Stores Branch.

(ii) Not exceeding $25,000 for procurement purposes—Chief, Purchase Division.

(iii) Not exceeding $15,000 for procurement purposes—Chiefs, Purchase Sections.

(iv) Not exceeding $10,000 for procurement purposes—Assistant Chiefs, Purchase Sections.

(v) Not exceeding $2,500 for procurement purposes—Chiefs, Purchase Sub-Sections.

(vi) For sale of surplus property—Chief, Surplus Property Division.

(vii) Contract DA–Tps–17000 with E. B. Badger & Sons Co.—John J. Kirby.

(2) *Field offices.* (i) Not exceeding $25,000—All Managers of Supply Centers.

(ii) Not exceeding $10,000 for procurement purposes—Managers of Branch Supply Centers; Chiefs and Assistant Chiefs, Purchase and Stores Divisions; Chiefs and Assistant Chiefs, Purchase Divisions; and Chiefs, Purchase Sections.

(iii) Not exceeding $1,000 for procurement purposes—Purchasing Officers.

(3) *Foreign offices.* (i) Without limitation—Managers.

(b) *War powers functions.* Performance and exercise of functions and powers of the Secretary of the Treasury under section 201 of the First War Powers Act, 1941 and Executive Order 9023 (50 U. S. C. App. 611): Director, Bureau of Federal Supply; Assistant Director, Operations; Deputy Director, Purchase and Stores Branch; Managers of Supply Centers.

(c) *Buy American Act.* Determinations under the Buy American Act (sec. 2, 47 Stat. 1520; 41 U. S. C. 10a) that articles, materials, or supplies to be used, or those from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality: Director, Bureau of Federal Supply; Assistant Director, Operations.

(d) *Leases.* Award and execution of leases: Director, Bureau of Federal Supply and Assistant Director, Operations, after approval by the Administrative Assistant to the Secretary.

(e) *Renegotiation of contracts.* The authority conferred upon the Director, Bureau of Federal Supply, by delegation from the Secretary of the Treasury pursuant to the Renegotiation Acts (56 Stat. 245; 50 U. S. C. App. 1191), and the authority of the Secretary of the Treasury relating to determination of net renegotiation rebates under said Acts: Chief, Renegotiation Rebate Division.

(f) *Newspaper advertising.* Authority to authorize the publication in a newspaper of any advertisement, notice or proposal, pursuant to sec. 12, act of August 2, 1946 (60 Stat. 809; 5 U. S. C. 22a): Director, Bureau of Federal Supply.

(g) *Motor vehicles; certificate of release.* Authority to sign Certificates of Release (Standard Form 97), evidencing transfer of title of Government-owned motor vehicles controlled by the Bureau of Federal Supply to private purchasers: Director, Bureau of Federal Supply; Chief, Office Services Division; Chief, District of Columbia Surplus Property Division; and Managers of Supply Centers.

SEC. 5. *Public information, submittals and requests.* The public, orally or in writing, may secure information from, or make submittals or requests to, the heads of pertinent local field offices, or the Director, Bureau of Federal Supply, Washington, D. C., concerning the organization and operation of the Bureau of Federal Supply.

SEC. 6. *Final opinions or orders and rules.* Final opinions and orders in the adjudication of cases, including findings in contract disputes, and all rules issued by the Bureau of Federal Supply are available to public inspection. Request to examine such final opinions and orders should be addressed to the Director, Bureau of Federal Supply, Washington 25, D. C.

SEC. 7. *Official records.* Records pertaining to contracts for the procurement of strategic and critical materials deemed vital to the defense of the United States are held confidential for reasons of national security. All other official records of the Bureau of Federal Supply will be made available by the Director, Bureau of Federal Supply, to persons properly and directly concerned for inspection or copying, and copies of such records will be provided upon payment of costs of reproduction. These records relate principally to the procurement of supplies and services, the award, performance, payment, amendment and termination of contracts, and the disposal of forfeited distilled spirits and surplus personal property.

Dated: May 23, 1949.

[SEAL] CLIFTON E. MACK,
Director, Bureau of Federal Supply.

[F. R. Doc. 49–4248; Filed, May 26, 1949; 8:53 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 37]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE EXCHANGE SERVICE FUNCTIONS

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Pub. Law 253, 80th Cong.) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to exchange service activities, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property and personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department, including functions, powers and duties under the following laws and parts of laws, as limited by other laws, parts of laws, and Executive orders, whether or not specifically set forth herein:

a. Act of July 16, 1892, ch. 195 (27 Stat. 178; 10 U. S. C. 1335).

b. Act of October 9, 1940, sec. 3 (54 Stat. 1060; 4 U. S. C. 15).

c. Act of June 24, 1948, ch. 632, sec. 3 (62 Stat. 647).

d. All other laws, parts of laws, including applicable provisions of Appropriation Acts, and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to exchange service activities insofar as they pertain to the Department of the Air Force or the United States Air Force or their property and personnel.

2. All nonappropriated funds pertaining to exchange service activities shall be the joint funds of the Department of the Army and the Department of the Air Force. The Secretary of the Army and the Secretary of the Air Force are authorized jointly to determine from time to time the respective interests of the two Departments in such funds and to make such division thereof as they may mutually agree upon.

3. The Secretary of the Army and the Secretary of the Air Force are authorized jointly to operate exchange service activities and to administer the nonappropriated funds pertaining thereto in accordance with such regulations as they may jointly issue.

4. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

5. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this

respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

6. This order shall be effective as of 12:00 noon, May 14, 1949.

LOUIS JOHNSON,
Secretary of Defense.

MAY 14, 1949.

[F. R. Doc. 49-4237; Filed, May 26, 1949; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

MAY 20, 1949.

[F. R. Doc. 49-4213; Filed, May 26, 1949; 8:45 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES [2]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

J. A. KRUG,
Secretary of the Interior.

MAY 23, 1949.

[F. R. Doc. 49-4215; Filed, May 26, 1949; 8:45 a. m.]

[1] See F. R. Doc. 49-4212, Title 43, Chapter I, Appendix, *supra*.

[2] See F. R. Doc. 49-4214, Title 43, Chapter I, Appendix, *supra*.

CIVIL AERONAUTICS BOARD

PROPOSED ANNEX 7 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, "AIRCRAFT NATIONALITY AND REGISTRATION MARKS"

The Bureau of Safety Regulation of the Civil Aeronautics Board hereby publishes for the information of interested persons the complete text of Annex 7 to the Convention on International Civil Aviation, "Aircraft Nationality and Registration Marks."

On February 8, 1949, the ICAO Council adopted Annex 7 as an international standard. As provided in the Convention, adoption of this document followed the democratic procedure of submission to vote of the member states on the Council and was favored by more than the required two-thirds of such states. Pursuant to Article 90 of the Convention, it is now being submitted for consideration by each member state, and, if it should be disapproved in whole or in part by a majority of such states, the Annex or any part thereof would have no further effect.

The Council has established July 1, 1949, as the date prior to which notice of disapproval shall be given. Annex 7, or such parts thereof as are not disapproved by a majority of member states, will come into force as follows:

(a) On October 1, 1949, with respect to aircraft being registered for the first time on or after that date, and

(b) On January 1, 1951, with respect to all other aircraft.

Even if not disapproved as provided in Article 90, there is still open to individual states the course of filing notice with ICAO of their intention to retain different rules than those provided in the Annex. August 1, 1949, has been established as the date prior to which notice of national differences from the international standards shall be filed.

The complete text of Annex 7 is being presented for the consideration of interested persons in order that the Bureau may be advised fully as to the part or parts of the Annex which would impose an undue burden on owners and operators of United States registered aircraft or which would otherwise be unsuitable for the regulation of such aircraft. In preparing comments, it should be noted that under Article 12 of the Convention the United States is under obligation to "keep its own regulations * * * uniform, to the greatest possible extent, with those established * * * under the Convention."

The comments received by the Bureau will be considered in formulating the position to be taken by the Board with respect to disapproval of the Annex in whole or in part. In order that such comments may be fully studied prior to formulation of the Board's position,[1] it is requested that they be sent to the Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., prior to June 10, 1949.

The Bureau will also utilize the comments it receives in considering any differences from Annex 7, notice of which may appear to be desirable for filing with ICAO, and in formulating any amendments to the Civil Air Regulations which may be necessary or desirable. It will be noted, however, that amendments to the Civil Air Regulations will be adopted only upon compliance with the provisions of the Administrative Procedure Act.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a))

Dated May 18, 1949, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

ANNEX 7 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

STANDARDS AND RECOMMENDED PRACTICES; AIRCRAFT NATIONALITY AND REGISTRATION MARKS

HISTORICAL INTRODUCTION

PREAMBLE

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Par.
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HISTORICAL INTRODUCTION

At Chicago in November 1944, the International Civil Aviation Conference, at which fifty-two States were represented, drew up an Interim Agreement on International Civil Aviation and a Convention on International Civil Aviation that was

[1] It will be noted that the United States position on approval or disapproval of an Annex is ultimately developed through the medium of the Air Coordinating Committee on which the Board is represented.

to supersede it. The Conference further prepared draft technical annexes to the Convention and resolved that they should be accepted as models of scope and arrangement to be studied by participating States who undertook to submit comments on them by May 1, 1945. The comments were to be considered by technical committees established by the Provisional International Civil Aviation Organization and the Annexes, in their final form, accepted for attachment to the Convention. Meanwhile, States of the world were urged to accept the recommended practices contained in the draft technical annexes as those toward which the national practices of the several States should be directed as rapidly and as far as might prove practicable.

The Provisional International Civil Aviation Organization was formed on June 6, 1945, and the Interim Council convened on August 15, 1945. It immediately began to improve the technical annexes by preparing PICAO's Recommendations for Standards, Practices and Procedures drafted in meetings by technical experts from Member States and international organizations. The meetings were those of subcommittees, the nomenclature of which was subsequently changed to Divisions of the Air Navigation Committee. Divisions dealing with Rules of the Air and Air Traffic Control, Communications and Radio Aids to Navigation, Meteorology, Aerodromes, Air Routes and Ground Aids, Search and Rescue, Accident Investigation, Personnel Licensing, Operating Practices, Airworthiness and Aircraft Nationality and Registration Marks all met twice, the Aeronautical Maps and Charts Division met three times and the Special Radio Technical Division met once. Under ICAO, each of the following Divisions has held a further session: Rules of the Air and Air Traffic Control, Aerodromes, Air Routes and Ground Aids, Personnel Licensing, Aeronautical Maps and Charts, and Communications and Radio Aids to Navigation.

The Divisions were aided in improving their recommendations by the comments of technical experts representing both Member and non-member States of the Organization and other international organizations at seven Regional Air Navigation Meetings and several special meetings. Moreover, the technical experts and administrative authorities of all States were accorded three months in which to scrutinize and comment upon the Recommendations of each Division. Meanwhile, under the Interim Agreement, Member States undertook to apply as rapidly as possible in their national civil aviation practices the PICAO Recommendations for Standards, Practices and Procedures.

ICAO came into being on April 4, 1947. On June 20, 1947, the ICAO Council recommended that Contracting States should continue to apply in their national civil aviation practices the Recommendations for Standards and Recommended Practices of PICAO and that they should similarly apply, insofar as they individually considered it advisable and appropriate, the divisional recommendations on which the Council had not yet acted. Many Contracting States made progress in this direction.

The First Assembly of ICAO expressed general satisfaction with the Recommendations for Standards, Practices and Procedures proposed by the Divisions, but decided to rename them henceforth International Standards and Recommended Practices. It resolved (Resolution A1–33) that the Council should examine them in the light of the definitions already promulgated and of the comments of Contracting States and should adopt, as soon as practicable, those on which substantial agreement had been reached. Recommendations that failed to meet these requirements should be referred to the Technical Divisions.

Clarification was necessary between Articles 38 and 90 of the Convention and there was uncertainty when Standards would come into effect and when Contracting States would comply with them or give notice of non-compliance. It was considered that Contracting States should have reasonable time to implement a Standard after learning that it had become effective under Article 90. It was also recognized that the time required would not be the same for all Standards. Accordingly, the Council adopted the following Resolution on July 1, 1947:

The Council resolves that it shall:

(1) Establish a date, normally ninety (90) days after the date of submission by the Council, after which States may no longer notify disapproval under Article 90;

(2) Establish a further date by which International Standards and Recommended Practices shall be applied by Contracting States. In establishing this date the Council shall take into consideration the problems involved in each instance, the comments of Contracting States, and the recommendations made by appropriate ICAO meetings;

(3) Establish a date prior to which States unable to comply are expected to give notification to that effect. This date shall be sufficiently in advance of the date set for application of the Standards to enable notification of non-compliance to reach ICAO from the States concerned, to be circulated by ICAO to other Contracting States, and to be circulated by Contracting States to those concerned.

As requested by certain States at the First Assembly, the Air Navigation Committee established tentative dates on which it would review the several Divisions' recommendations. These dates were communicated to all Contracting States in September 1947.

The First Assembly having adopted in Resolution A1–31 the definitions at the beginning of the Preamble, the Air Navigation Committee guided by those definitions reviewed and coordinated the Divisional Recommendations, taking account of the comments of Contracting States, of Regional Air Navigation Meetings and of the Secretariat. The International Standards and Recommended Practices, that the Council has adopted, accord as nearly as possible with the wording, phraseologies and format proposed by the Divisions.

As aviation develops, the Divisions will improve and add to the International Standards, and Recommended Practices which today constitute considerable international agreement painstakingly reached after over three years of technical discussion. Improvements can only be made after Contracting States have had practical experience of applying principles common to all Contracting States. The texts of the International Standards and Recommended Practices provide such principles for incorporation into the regulations and administrative practices of each Contracting State.

PREAMBLE

This document contains Standards and Recommended Practices pursuant to Article 37 of the Convention on International Civil Aviation (Chicago 1944). These Standards and Recommended Practices, adopted by the Council, become effective in accordance with the Resolution found in the paragraph entitled "Adoption of Annex".

DEFINITIONS

In order to ensure uniform interpretation of the terms "Standards" and "Recommended Practices", which are not specifically defined in the Convention, the Council has promulgated the following definitions which apply to this Annex:

Standard. Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38.

Recommended practice. Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation, and to which Contracting States will endeavour to conform in accordance with the Convention.

"Notes" which do not alter the meaning of the Standards and Recommended Practices have been included wherever it was necessary to clarify an intention, to stress a particular point or to indicate that a particular question is under study.

ADOPTION OF ANNEX

The Standards and Recommended Practices for Aircraft Nationality and Registration Marks are an outcome of Article 37 of the Convention which provides (inter alia) that the "International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with * * * registration and identification of aircraft".

The Council, at the sixth meeting of its Sixth Session held on February 8, 1949, adopted the following resolution:

Whereas Articles 37 and 54 (1) of the Convention on International Civil Aviation provide for the adoption of international standards and recommended practices (including procedures) and their designation as annexes; and

Whereas Article 90 provides for the procedure for adoption by the Council of the annexes referred to in Article 54 (1); for the submission thereof to Contracting States and for registration of disapproval thereof; and

Whereas the Council has understood that the "differences" to be notified pursuant to Article 38 should cover non-compliance in any respect with an international standard and any difference between any practice or regulation of a State and the practice established by an international standard, on all those subjects in respect of which ICAO may adopt standards under Article 37;

Now, therefore, the Council at a meeting called for the purpose hereby adopts on February 8, 1949, the international standards and recommended practices contained in the attached document entitled "Standards and Recommended Practices for Aircraft Nationality and Registration Marks" and designates them as "Annex 7" to the Convention; and the Council further resolves that:

(1) The above-mentioned Annex together with a copy of this resolution be submitted forthwith to each Contracting State;

(2) Any Contracting State may register with the Council not later than July 1, 1949, its disapproval of the said Annex or any part thereof;

(3) If on July 1, 1949, a majority of the Contracting States have not registered their disapproval of the said Annex, it shall then become effective;

(4) If any part or parts of the said Annex have been disapproved by a majority of the Contracting States on July 1, 1949 then only such parts thereof as have not been so disapproved shall become effective;

(5) In the event that any part or parts of the said Annex do not become effective by reason of such disapproval, they shall be deleted therefrom;

(6) The said Annex (in whole or in part, as hereinbefore provided) shall come into force and be implemented as follows:

(a) With respect to aircraft being registered for the first time on October 1, 1949;

(b) With respect to all other aircraft on January 1, 1951.

(7) The becoming effective of the said Annex shall forthwith be notified to each Contracting State, and each State shall also, at the same time, be notified:

(a) Of the said dates upon which the said Annex shall come into force;

(b) That on or before August 1, 1949, each Contracting State should notify the Organization of any difference as defined in the preamble hereto, which will exist on October 1, 1949, between any of its own practices and those established by the said international standards contained in the said Annex, in order to enable the Organization to notify all Contracting States thereof;

(c) That any difference, which occurs after October 1, 1949, shall be immediately notified to the Organization.

LANGUAGE

The following is the text of a resolution adopted by the Council on April 13, 1948, at the 22d meeting of its Third Session, and modified on December 6, 1948, at the 25th meeting of its Fifth Session.

The Council resolves that:

(1) Annexes to the Convention on International Civil Aviation be adopted by the Council in English;

(2) The English text, so adopted, together with the texts in French and Spanish as prepared by the Secretariat, be transmitted by the Council to each Contracting State for the purpose hereinafter set forth;

(3) Each Contracting State be invited to notify the Organization, not later than the date set for registering disapproval of a particular Annex or any part thereof, of the text selected by that State as its official text for the purpose of national implementation (including translation into its own national language if necessary) of the said Annex or part thereof and for any other effects provided for in the Convention.

EDITORIAL NOTE

The following practice has been adhered to in order to indicate at a glance the status of each statement; Standards have been printed in large type; Recommended Practices have been printed in small type, the status being indicated by the prefix RECOMMENDATION. Notes have been printed in small type, the status being indicated by the prefix NOTE.

Throughout this Annex, measurements are given in the metric system followed in parentheses by corresponding measurements in the foot-pound system.

Any reference to a portion of this document, which is identified by a number, includes all subdivisions of such portion.

1 *Definitions.*

When the following terms are used in the Standards and Recommended Practices for Aircraft Nationality and Registration Marks, they shall have the following meanings:

Aeroplane. A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air. (See Classification of Aircraft in table I.)

Airship. A power-driven lighter-than-air aircraft.

Balloon. A non-power-driven lighter-than-air aircraft.

Fireproof material. A material capable of withstanding heat as well as or better than steel when the dimensions in both cases are appropriate for the specific purpose.

Glider. A non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

Gyroplane. A heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes.

Heavier-than-air aircraft. Any aircraft deriving its lift in flight chiefly from aerodynamic forces.

TABLE I—CLASSIFICATION OF AIRCRAFT

Aircraft	Lighter-than-air aircraft	Nonpower driven balloon	Free balloon	Spherical free balloon.
				Nonspherical free balloon.
			Captive balloon	Spherical captive balloon.
				Nonspherical captive balloon.[1]
		Power driven	Airship	Rigid airship.
				Semirigid airship.
				Nonrigid airship.
	Heavier-than-air aircraft	Nonpower driven	Glider	Land glider.
				Sea glider.[2]
			Kite[4]	Landplane.[3]
			Aeroplane	Seaplane.[2]
				Amphibian.[2]
		Power driven	Gyroplane	Land gyroplane.[3]
				Sea gyroplane.[2]
				Amphibian gyroplane.[2]
			Helicopter	Land helicopter.[3]
				Sea helicopter.[2]
				Amphibian helicopter.[2]
			Ornithopter	Land ornithopter.[3]
				Sea ornithopter.[2]
				Amphibian ornithopter.[2]

[1] Generally designated "kite-balloon."
[2] "Float" or "boat" may be added as appropriate.
[3] Includes aircraft equipped with ski-type landing gear (substitute "ski" for "land").
[4] For the purpose of completeness only.

Helicopter. A heavier-than-air aircraft supported in flight by the reactions of the air on one or more power-driven rotors on substantially vertical axes.

Lighter-than-air aircraft. Any aircraft supported chiefly by its buoyancy in the air.

Ornithopter. A heavier-than-air aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is imparted.

State of registry. The State on whose register the aircraft is entered.

2 *Nationality and registration marks to be used.*

2.1 The nationality and registration marks appearing on the aircraft shall consist of a group of characters.

2.2 The nationality mark shall precede the registration mark. When the first character of the registration mark is a letter it shall be preceded by a hyphen.

2.3 The nationality mark shall be selected from the series of nationality symbols included in the radio call signs assigned to the State of Registry by the International Telecommunications Regulations. The nationality marks selected shall be notified to ICAO.

2.4 The registration mark shall be letters, numbers, or a combination of letters and numbers, and shall be that assigned by the State of Registry.

2.5 When letters are used for the registration mark, combinations shall not be used which might be confused with the five-letter combinations used in the International Code of Signals, Part II, the three-letter combinations beginning with Q used in the Q Code, and with the distress signal SOS, or other similar urgent signals, for example XXX, PAN and TTT.

NOTE: For reference to these codes see the currently effective International Telecommunications Regulations.

3 *Location of nationality and registration marks.*

3.1 *General.* The nationality and registration marks shall be painted on the aircraft or shall be affixed by any other means ensuring a similar degree of permanence. The marks shall be kept clean and visible at all times.

3.2 *Lighter-than-air aircraft.*

3.2.1 *Airships.* The marks on an airship shall appear either on the hull, or on the stabilizer surfaces. Where the marks appear on the hull, they shall be located lengthwise on each side of the hull and also on its upper surface on the line of symmetry. Where the marks appear on the stabilizer surfaces, they shall appear on the horizontal and on the vertical stabilizers; the marks on the horizontal stabilizer shall be located on the right half of the upper surface and on the left half of the lower surface, with the tops of the letters and numbers toward the leading edge; the marks on the vertical stabilizer shall be located on each side of the bottom half stabilizer, with the letters and numbers placed horizontally.

3.2.2 *Spherical balloons.* The marks on a spherical balloon shall appear in two places diametrically opposite. They shall be located near the maximum horizontal circumference of the balloon.

3.2.3 *Nonspherical balloons.* The marks on a nonspherical balloon shall appear on each side. They shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

3.2.4 *All lighter-than-air aircraft.* The side marks on all lighter-than-air aircraft shall be visible both from the sides and from the ground.

3.3 *Heavier-than-air aircraft.*

3.3.1 *Wings.* On heavier-than-air aircraft the marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure. They shall be located on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and the lower surface of the wing structure. So far as is possible the marks shall be located equi-distant from the leading and trailing edges of the wings. The tops of the letters and numbers shall be toward the leading edge of the wing.

3.3.2 *Fuselage (or equivalent structure) and vertical surfaces.* On heavier-than-air aircraft the marks shall appear either on each side of the fuselage (or equivalent structure) between the wings and the tail surface, or on the upper halves of the vertical tail surfaces. When located on a single vertical tail surface they shall appear on both sides. When located on multivertical tail surfaces they shall appear on the outboard sides of the outer surfaces.

3.3.3 *Special cases.* If a heavier-than-air aircraft does not possess parts corresponding to those mentioned in 3.3.1 and 3.3.2, the marks shall appear in a manner such that the aircraft can be identified readily.

4 *Measurements of nationality and registration marks.*

The letters and numbers in each separate group of marks shall be of equal height.

4.1 *Lighter-than-air aircraft.* The height of the marks on lighter-than-air aircraft shall be at least 50 centimetres (20 inches).

4.2 *Heavier-than-air aircraft.*

4.2.1 *Wings.* The height of the marks on the wings of heavier-than-air aircraft shall be at least 50 centimetres (20 inches).

4.2.2 *Fuselage (or equivalent structure) and vertical tail surfaces.* The marks on the fuselage (or equivalent structure) of heavier-than-air aircraft shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces of heavier-than-air aircraft shall be such as to leave at least a margin of 5 centimetres (2 inches) along each edge of any vertical tail surface. Within these stipulations the marks shall be as large as practicable except that this clause shall not be interpreted as requiring the use of marks exceeding 15 centimetres (6 inches) in height.

4.2.3 *Special cases.* If a heavier-than-air aircraft does not possess parts corresponding to those mentioned in 4.2.1 and 4.2.2, the measurements of the marks shall be such that the aircraft can be identified readily.

5 *Type of characters for nationality and registration marks.*

5.1 The letters shall be capital letters in Roman characters without ornamentation. Numbers shall be Arabic numbers without ornamentation.

5.2 The width of each character (except the letter I and the number 1), and the length of hyphens shall be two-thirds of the height of a character.

5.3 The characters and hyphens shall be formed by solid lines and shall be of a colour contrasting clearly with the background. The thickness of the lines shall be one-sixth of the height of a character.

5.4 Each character shall be separated from that which it immediately precedes or follows, by a space of not less than one-quarter of a character width. A hyphen shall be regarded as a character for this purpose.

6 *Register of nationality and registration marks.*

Each Contracting State shall maintain a current register showing for each aircraft registered by that State, the information recorded in the certificate of registration (see paragraph 7).

7 *Certificate of registration.*

7.1 The certificate of registration, in wording and arrangement, shall be a replica of the following form.

NOTE: The size of the form is at the discretion of the State of Registry.

*_____ *_____

State _____
Ministry _____
Department or Service _____

CERTIFICATE OF REGISTRATION

1. Nationality and registration marks_____
2. Manufacturer and manufacturer's designation of aircraft _____
3. Aircraft Serial No. ____
4. Name of owner _____
5. Address of owner _____
6. It is hereby certified that the above described aircraft has been duly entered on the register of _____ in accordance with the Convention on International Civil Aviation dated December 7th 1944 and with the † _____

(Signature) _____
Date of issue _____
* _____

*For use by the State of Registry.
†Insert reference to National Regulations.

7.2 The certificate of registration shall be carried in the aircraft at all times.

8 *Identification plate.*

An aircraft shall carry an identification plate inscribed with at least its Nationality and Registration Marks. The plate shall be made of fireproof metal or other fireproof material of suitable physical properties, and shall be secured to the aircraft in a prominent position near the main entrance.

[F. R. Doc. 49-4266; Filed, May 26, 1949; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

SHIP RADAR OPERATOR RULES

HEARING TO RE-CONVENE

The Commission, on May 18, 1949, designated September 19 and 20, 1949, for the resumption and completion of the general public hearing and oral argument in the matter of permanent operator rules for ship radar stations (Docket 8913). These proceedings began on January 24 and continued through January 25, 1949, at which time they were adjourned until a date to be later announced by the Commission.

When these proceedings are resumed, it is expected that there will be some further direct testimony but that the major effort will be directed toward the cross examination of witnesses whose direct testimony is already in the record, and to the presentation of the oral arguments of the parties.

The major issue in these proceedings is whether the proposed operator rules are sound from the standpoint of preventing and avoiding harmful interference such as might result from the improper installation, servicing, or maintenance of ship radar stations equipped with type approved equipment. Thus far, the parties have been careful to have most of their testimony deal with this major issue, and it is to be hoped that they will continue to do so. This comment does not mean that the Commission has overlooked entirely the safety and navigation aspects of the operator problem. Rather, it simply means that at this time the rules proposed are designed to deal with the interference aspect rather than with the other aspects.

Pending the completion of these proceedings and the final action by the Commission in the matter, the Commission has again (by an order adopted April 6, 1949) extended the temporary operator rules applicable to these ship radar

stations. The period of the extension was from April 15, 1949 until November 15, 1949, or the effective date of any permanent rules which may be adopted, whichever date occurs earlier.

Released: May 19, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 49-4240; Filed, May 26, 1949; 8:51 a. m.]

[Docket No. 9327]

JOHN M. MORENO

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of John M. Moreno, 4111 Folsom Street, Los Angeles, California, Docket No. 9327; denial of application for amateur radio operator license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1949;

It appearing, that by Commission order of April 6, 1949, the application of John M. Moreno for an amateur radio operator license was denied; and

It further appearing, that on April 15, 1949, John M. Moreno filed application for a hearing in the above-entitled matter to which he is entitled under the terms of the Commission's order of denial,

It is ordered, That the above-entitled matter be designated for hearing on a date and at a place later to be specified.

It is further ordered, That a copy of this order be transmitted by registered mail, return receipt requested to Mr. John M. Moreno, 4111 Folsom Street, Los Angeles, California.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 49-4241; Filed, May 26, 1949; 8:51 a. m.]

[Docket Nos. 8417, 8919]

EVANGELINE BROADCASTING CO. INC. (KVOL) AND RADIO STATION KRMD (KRMD)

ORDER CONTINUING HEARING

In re applications of Evangeline Broadcasting Company, Inc. (KVOL), Lafayette, Louisiana, Docket No. 8417, File No. BP-5668; T. B. Lanford, R. M. Dean, Mrs. T. B. Lanford, Sr., and Mrs. R. M. Dean, d/b as Radio Station KRMD (KRMD), Shreveport, Louisiana, Docket No. 8919, File No. BP-5983; for construction permits.

The Commission having under consideration a petition filed May 2, 1949, by Radio Station KRMD (KRMD), Shreveport, Louisiana, requesting a 60-day continuance of the hearing presently scheduled for May 16, 1949, at Washington, D. C., upon the above-entitled applications for construction permits;

It is ordered, This 10th day of May 1949 that the petition is granted; and that the hearing upon the above-entitled applications is continued to 10:00 a. m., Monday, August 8, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4242; Filed, May 26, 1949; 8:51 a. m.]

[Docket No. 9173]

WOOSTER REPUBLICAN PRINTING CO. (WWST)

ORDER CONTINUING HEARING

In re application of The Wooster Republican Printing Company (WWST), Wooster, Ohio, Docket No. 9173, File No. BML-1307; for modification of license.

The Commission having under consideration a petition filed May 2, 1949, by the Evening News Association, licensee of Radio Station WWJ, Detroit, Michigan, respondent in the above proceeding, requesting a continuance of the hearing presently scheduled for May 16, 1949, at Washington, D. C., to May 31, 1949, upon the above-entitled application for modification of license;

It is ordered, This 6th day of May 1949 that the petition is granted; and that the hearing upon the above-entitled application is continued to 10:00 a. m., Tuesday, May 31, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4243; Filed, May 26, 1949; 8:51 a. m.]

[Docket Nos. 8702, 9228]

PATRICK G. SMITH AND BAKERSFIELD BROADCASTING CO. (KAFY)

ORDER CONTINUING HEARING

In re applications of Patrick G. Smith, Bishop, California, Docket No. 8702, File No. BP-6403; Bakersfield Broadcasting Company (KAFY), Bakersfield, California, Docket No. 9228, File No. BP-6821; for construction permits.

The Commission having under consideration a petition filed April 25, 1949, by Bakersfield Broadcasting Company (KAFY), Bakersfield, California, requesting (1) leave to amend its above-entitled application so as to specify DA-1 in lieu of DA-N, as more particularly appears from the amendment filed simultaneously with the petition; and (2) that the hearing in the above-entitled proceeding presently scheduled for May 24, 1949, be continued indefinitely pending the Commission's action on its petition for reconsideration and grant without hearing, filed on April 25, 1949; and

It appearing, that the amendment tendered by the petitioner with its above petition may eliminate the interference involved between the operations proposed by the above-entitled applications thereby eliminating the reasons why these applications were designated for a comparative hearing; and

It further appearing, that the Commission, on December 31, 1947, designated the above-entitled application of Patrick G. Smith for hearing in a separate proceeding on an issue, among others, relating to the assignment of a Class IV station to a regional channel; and that the hearing on this application presently scheduled for May 24, 1949, is required; and

It further appearing, that Bakersfield Broadcasting Company (KAFY), on April 25, 1949, also filed a petition requesting the Commission to reconsider and grant without hearing its above-entitled application, as modified by the instant amendment; and that therefore the hearing on its application now scheduled for May 24, 1949, should be continued until the Commission has had an opportunity to act upon the said petition for reconsideration;

It is ordered, This 6th day of May 1949 that the said petition for leave to amend is granted; that the above-entitled application of Bakersfield Broadcasting Company (KAFY) is severed from the above-entitled proceeding and retained in hearing status; and that the hearing on its said application is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4244; Filed, May 26, 1949; 8:51 a. m.]

[Docket Nos. 8178, 9190]

STEEL CITY BROADCASTING CO. AND RADIO STATION WGES (WGES)

ORDER CONTINUING HEARING

In re applications of George M. Whitney, Caroline L. Whitney and Frederick Feyling, d/b as Steel City Broadcasting Company, Gary, Indiana, Docket No. 8178, File No. BP-5681; John A. Dyer, V. I. Christoph, E. M. Hinzman, F. A. Ringwald and W. F. Moss, d/b as Radio Station WGES (WGES), Chicago, Illinois, Docket No. 9190, File No. BP-6700; for construction permits.

The Commission having under consideration a petition filed April 27, 1949, by Radio Station WGES (WGES), Chicago, Illinois, requesting (1) that it be granted leave to amend its above-entitled application so as to revise its directional array; (2) that the Commission reconsider and grant its application without hearing; and (3) that the hearing on the above-entitled applications presently scheduled for May 17, 1949, be continued until the Commission acts upon its request for reconsideration and grant without hearing;

It is ordered, This 6th day of May 1949 that, insofar as it requests leave to amend and a continuance, the petition is granted; that the amendment filed simultaneously with the petition is accepted; and that the hearing upon the above-entitled applications is continued

indefinitely, pending action on the request for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4245; Filed, May 26, 1949; 8:52 a. m.]

[Docket No. 8831]

BIRNEY IMES, JR. (WCBI)

ORDER CONTINUING HEARING

In re application of Birney Imes, Jr. (WCBI), Columbus, Mississippi, Docket No. 8831, File No. BP-6339; for construction permit.

The Commission having under consideration the above-entitled application for construction permit to change the operating assignment of Station WCBI, Columbus, Mississippi, which is presently scheduled for hearing on May 12, 1949, at Washington, D. C.; and

It appearing, that Imes has informally advised the Commission that he does not intend to prosecute further his above-entitled application; and

It further appearing, that the Commission, because of the expressed desire of Imes, requested him by letter dated April 28, 1949, to file a formal petition requesting the dismissal of his said application; and that to date Imes had neither replied to the said letter nor filed the requested petition;

It is ordered, This 6th day of May 1949 on the Commission's own motion, that the hearing upon the above-entitled application is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-4246; Filed, May 26, 1949; 8:53 a. m.]

STATEMENT OF ORGANIZATION AND STATEMENT OF DELEGATIONS OF AUTHORITY

MISCELLANEOUS AMENDMENTS

In section 0.28, paragraph (c) (1), amend first sentence of paragraph (c) (1) to read as follows:

(1) International Services Section, which processes applications from existing licensees for instruments of authorization for the assignment of additional frequencies, changes in authorized power of transmitters, and changes in types of emissions, and which is responsible for the engineering aspects in the processing of applications for new stations, equipment, and points of communication in the International Fixed Public and Fixed Public Press Radio Communications Services.

2. In section 0.142, add new paragraph (j) to read as follows:

(j) Applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press international radio services for the assignment of additional frequencies already assigned to a station of the licensee at some other location, for changes in authorized power of transmitters, and for changes in authorized types of emissions.

3. In section 0.145, paragraph (d), amend first sentence of paragraph (d) to read as follows:

(d) Applications from existing licensees for instruments of authorization for the agriculture, fixed public, or fixed public press radio services, other than those falling under section 0.142 (j) and except applications involving:

NOTE: For order of the Commission concerning the above amendments, see F. R. Doc. 49-4239, under Title 47, Chapter I, *supra*.

[F. R. Doc. 49-4239; Filed, May 26, 1949; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

BUREAU ORGANIZATION; DISTRICT AND FIELD OFFICES

MAY 19, 1949.

The Interstate Commerce Commission announces the following changes in, and additions to, the list of district and field offices of the Commission (published in 49 CFR 1946 Supp., Part 0, as amended in 12 F. R. 5012 and 13 F. R. 1190 under section 0.11:

SEC. 0.11 *Bureau organization.* * * *

(a) *Bureau of Accounts and Cost Finding.* * * *

(2) *Branch offices.* * * *

City and New Address

New York 7, N. Y., 901 Federal Office Building, 90 Church Street.

(f) *Bureau of Inquiry.* * * *

(2) *Field headquarters.* * * *

City and New Address

Atlanta, Ga., 809 Standard Building.
New York, N. Y., 901 Federal Office Building, 90 Church Street.
Washington 25, D. C., I. C. C. Building, 12th Street and Constitution Avenue.

(h) *Bureau of Locomotive Inspection.* * * *

(2) *District offices.* * * *

City and New Address

Charlotte, N. C., 236 Post Office Building.
Chicago, Ill., 850 U. S. Customhouse.
Fargo, N. Dak., Room 15 Edwards Block, 22-24 Broadway.
Great Falls, Mont., 509 First National Bank Building.
Los Angeles, Calif., 1517 Post Office and Courthouse Building.
Roanoke, Va., Post Office Box 1410.
St. Paul, Minn., 532 Uptown Post Office Building.

(i) *Bureau of Motor Carriers.* * * *

(3) *District offices; location of directors and supervisors.* * * *

District No.	*New address*
2	Newark 2, N. J., Room 511, 1060 Broad Street.
2	Albany 1, N. Y., 417 Federal Building.
2	Binghamton 60, N. Y., 711 Press Building.
2	Buffalo 2, N. Y., 906 Genesee Building.
3	Washington 25, D. C., I. C. C. Building, 12th Street and Constitution Avenue.
3	Philadelphia 7, Pa., 819 City Centre Building, 121 North Broad Street.
4	Toledo 4, Ohio, 17 Old Post Office Building.
4	Charleston 1, W. Va., Room 101, U. S. Courthouse.
8	Chicago 7, Ill., 852 U. S. Customhouse Building, 610 South Canal Street.
8	Indianapolis 4, Ind., 257 Federal Building.
8	Detroit 26, Mich., 464 Federal Building.
9	Fargo, N. Dak., 15 Edwards Building, 20½ Broadway.
10	Sioux City, Iowa, 319 Post Office Building.
10	Omaha 2, Nebr., 506 Woodmen of the World Building.
11	Little Rock, Ark., 515 East Second Street.
11	Oklahoma City 2, Okla., 336 Oklahoma Natural Building.
15	Seattle 4, Wash., 352 Federal Office Building.

(l) *Bureau of Service.* * * *

(3) *District offices.* * * *

City and New Address

Albuquerque, N. Mex., 311 Federal Building.
Billings, Mont., 231 Alderson Avenue.
Binghamton, N. Y., 711 Press Building.
Boston 9, Mass., 1701 Federal Building.
Buffalo 3, N. Y., 326 Post Office Building.
Columbia 11, S. C., 526 Hardon Street.
Detroit 26, Mich., 3 U. S. Customhouse Annex, 130 West Larned Street.
El Reno, Okla., 703 South Macomb Street.
Girard, Ohio, 129 East Broadway.
Houston 14, Tex., 504 Federal Office Building, P. O. Box 4150.
Jacksonville 1, Fla., 221 Federal Office Building.
Los Angeles 12, Calif., 1523-B Federal Building.
New York 14, N. Y., 924 Federal Building, 641 Washington Street.
Omaha 2, Nebr., 415-B U. S. Post Office.
Pensacola, Fla., 1617 East Mallory.
Philadelphia 6, Pa., 806 U. S. Customhouse.
Phoenix, Ariz., 401 Security Building.
Portland 5, Oreg., 233 U. S. Courthouse.
Pittsburgh 19, Pa., 502-L New Federal Building.
St. Louis, Mo., 938 Federal Building.
Salt Lake City 1, Utah, 420 Continental Bank Building.
Seattle 5, Wash., 3818 East 75th Street.
Spokane 8, Wash., 302 Post Office Building.
Toledo 11, Ohio, 5427 Three Hundred and Third Street.
Washington 25, D. C., I. C. C. Building, Twelfth Street and Constitution Avenue.

(o) *Bureau of Valuation.* * * *

(2) *Field headquarters*—(i) *Land appraisers.* * * *

City and New Address

Los Angeles 12, Calif., 1523 Post Office Building.
New York 14, N. Y., 922 Federal Building, 641 Washington Street.
Seattle 4, Wash., 358 Federal Office Building.

(ii) *Auditors.*

City and New Address

Chicago 4, Ill., 852 U. S. Courthouse.
New York 14, N. Y., 922 Federal Building, 641 Washington Street.
Philadelphia, Pa., 819 City Centre Building, 121 North Broad Street.

(p) *Bureau of Water Carriers and Freight Forwarders.* * * *

(2) *District supervisors.*

City and New Address

Chicago 7, Ill., 852 U. S. Customhouse Building, 610 South Canal Street.

Washington 25, D. C., I. C. C. Building, Twelfth Street and Constitution Avenue.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-4224; Filed, May 26, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND POWER CO. ET AL.

SUPPLEMENTAL ORDER APPROVING DISTRIBUTION AND TRANSFER OF STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of May A. D. 1949.

The Commission, by order dated April 13, 1949 having granted and permitted to become effective an application-declaration filed by The United Light and Railways Company ("Railways") with respect to the distribution to its common stockholders of its holdings of the common stock of Madison Gas and Electric Company ("Madison"), on the basis of one share of Madison stock for each 25 shares of Railways' common stock owned and the distribution of cash in lieu of fractional shares in accordance with the requirements of the amended plan filed by Railways and its registered holding company subsidiary, American Light & Traction Company ("American Light") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and heretofore approved by the Commission's order dated December 30, 1947, which plan, among other things, required Railways to dispose of all shares of Madison common stock received by it through distributions made by American Light; and

Railways having notified the Commission that distribution of 125,030 shares of common stock of Madison and cash aggregating $46,160.36 in lieu of fractional shares will be made on May 25, 1949 to Railways' common stockholders of record on April 27, 1949; and

Applicant-declarant having requested the Commission to issue a supplemental order with respect to said distribution of stock containing appropriate recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and the Commission deeming it appropriate to grant such request:

It is ordered and recited, That the distribution and transfer by Railways on May 25, 1949 to its common stockholders of 125,030 shares of the common stock of Madison Gas and Electric Company of the par value of $16 per share (out of Certificate No. CU-1), all as contemplated by the amended plan and the Commission's Order of December 30, 1947 approving said plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-4216; Filed, May 26, 1949; 8:46 a. m.]

[File No. 70-2119, 70-2121]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

NOTICE OF PROPOSED SALE OF CERTAIN PROPERTY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of May 1949.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, File No. 70-2119; New York State Natural Gas Corporation, File No. 70-2121.

Notice is hereby given that, pursuant to the Public Utility Holding Company Act of 1935, a declaration has been filed with this Commission by Pennsylvania Gas & Electric Corporation, a registered holding company, North Penn Gas Company, a registered holding company and a public utility subsidiary of Pennsylvania Gas & Electric Corporation, and Allegany Gas Company ("Allegany"), a direct public utility subsidiary of North Penn Gas Company, and that an application has been filed with this Commission by New York State Natural Gas Corporation ("New York Natural"), a subsidiary of Consolidated Natural Gas Company, also a registered holding company.

Notice is further given that any interested person may, not later than June 3, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application and declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 3, 1949, said application and declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration and application which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Allegany proposes to sell, and New York Natural proposes to purchase, certain property located within the Sabinsville gas field in Tioga and Potter counties, Pennsylvania, consisting of approximately 2,300 acres of oil and gas leaseholds and fee estates, 6 gas wells, and approximately 28,000 feet of pipe appurtenant thereto for a cash consideration of $196,000.

The filings state that the properties proposed to be sold, have not been used by Allegany since November 25, 1947, that they are adjacent to certain facilities of New York Natural, that the proposed sale has been approved by the Pennsylvania Public Utility Commission, and that the proposed acquisition by New York Natural does not require the approval of any State regulatory body.

The declarants and the applicant have requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-4217; Filed, May 26, 1949; 8:46 a. m.]

[File No. 70-2117]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER DENYING APPLICATION FOR EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND GRANTING EXEMPTION FROM CERTAIN PROVISIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of May A. D. 1949.

Public Service Company of New Hampshire, a public utility subsidiary of New England Public Service Company, a registered holding company which in turn is a subsidiary of Northern New England Company, also a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder in which the applicant seeks exemption from the provisions of section 6 (a) of said act and from the requirements of competitive bidding under said rule, with respect to an issue of 104,804 additional shares of its Common Stock; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having this day issued its findings and opinion herein;

It is ordered, effective forthwith, That the application for exemption from the requirements of competitive bidding under Rule U-50 be and the same hereby is denied, and the application for exemption from the provisions of section 6 (a) of the act be and the same hereby is granted subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the applicant shall have obtained proper authorization from the New Hampshire Public Service Commission and the Vermont Public Service Commission;

(2) That the proposed sale of the new common stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding

and a further order has been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

(3) That jurisdiction be and hereby is reserved with respect to all fees and expenses to be paid in connection with the transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-4218; Filed, May 26, 1949; 8:46 a. m.]

[File No. 70-2114]

COLUMBIA GAS SYSTEM, INC., AND OHIO FUEL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of May 1949.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, The Ohio Fuel Gas Company ("Ohio"), having filed a joint application-declaration, pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transaction:

Ohio proposes to issue and sell to Columbia $6,000,000 principal amount of 3¼% Installment Promissory Notes. Such notes are to be unsecured and are to be paid in equal annual installments on February 15 of each of the years 1952 to 1976, inclusive. It is stated that the proceeds to be obtained through the issue and sale of the notes will be utilized by Ohio in connection with its construction and gas storage program, which program, it is estimated, will require approximately $6,000,000 of additional financing during 1949, which additional financing will be subject of future filings with this Commission.

Such joint application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-4219; Filed, May 26, 1949; 8:46 a. m.]

[File No. 70-1949]

UNITED GAS CORP., AND ELECTRIC POWER & LIGHT CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of May A. D. 1949.

Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, and Electric's gas utility subsidiary, United Gas Corparation ("United"), having filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7 and 12 (f) thereof, with respect to certain proposed amendments of United's charter and by-laws and the composition of the board of directors of United as summarized below:

On March 1, 1949, the Commission issued its findings and opinion approving a plan of reorganization of Electric (Holding Company Act Release No. 8889), and on March 7, 1949, the Commission issued its order approving said plan as amended in accordance with the Commission's opinion, reserving jurisdiction over, among other things, the appropriateness of certain charter and by-law amendments and the composition of the board of directors of United.

United proposes to amend its certificate of incorporation so as to provide for (a) cumulative voting to the common stockholders at all elections of directors effective after the expiration of one year from the date such amendment becomes effective; (b) preemptive rights to stockholders with respect to any offering of additional common stock or security convertible into common stock for money, other than with respect to a public offering of such shares; (c) a majority vote of the common stock to amend or repeal the by-laws with respect to the qualifications, terms of office, and compensation of directors, the filling of vacancies on the board of directors, and quorum requirements for stockholders' meetings; (d) deletion of the present provisions giving the board of directors authority to determine what part of the consideration from the sale of new shares of common stock shall be capital; and (e) deletion from the Certificate of Incorpation of such provisions as are inconsistent with (a), (b), (c) and (d) above.

It is proposed that the by-laws of United be amended to provide that a majority of the shares of stock shall constitute a quorum. The other proposed amendments to the by-laws relate to proxy provisions, the number, compensation and term of office of directors, and provisions for amending the by-laws.

The board of directors of United has fixed the close of business of May 9, 1949 as the record date for voting at the annual stockholders' meeting of United which is to be held on June 15, 1949.

The board of directors of Electric has designated May 27, 1949 as the consummation date of Parts I, II, and III of the plan of Electric (those parts relating to creation of Middle South Utilities, Inc., settlement of intercorporate claims, and distributions to the preferred stockholders of Electric of the common stocks of Middle South Utilities, Inc. and United).

The application-declaration, as amended, indicates that in order to carry out the provisions of the plan and the Commission's order concerning the termination of interlocking relationships between United and Middle South Utilities, Inc., and in effectuation of the reservation of jurisdiction with respect to the appropriateness of the new Board of Directors of United, discussions have been had between the management of United and representative stockholders, including those who will be stockholders upon the consummation of the Electric plan, concerning the composition of the board of directors of United. As a result of these conversations the management of United has submitted the following as the proposed board of directors of United to be submitted to their stockholders of record for their approval at the annual meeting on June 15, 1949:

Name	Principal occupation	Year first became a director
M. A. Abernathy [1]	Vice president of United Gas Corp. and United Gas Pipe Line Co.	1947
Burke Baker	Executive and member of board of directors of certain insurance companies in Texas.	----------
Clifton L. Ganus	Executive and member of board of directors of certain retail enterprises in Louisiana.	----------
F. T. Hepburn [1]	Retired	1935
E. W. Hill [1]	do	1935
Hunter S. Marston [1]	do	1930
N. C. McGowen [1]	President of United Gas Corp., United Gas Pipe Line Co., and Union Producing Co.	1944
G. G. Walker	President and director of Electric Bond & Share Co. since 1944 (vice-president and director, 1941-44). Director of Ebasco Services Incorporated.	----------

[1] Indicates persons who are at present directors of United.

It is proposed that only eight of the nine positions on the Board of Directors will be filled at this time, but that within three months after the annual meeting, after discussions had and to be had with holders of the United's common stockholders, United will submit to this Commission a proposed ninth nominee, representative of stockholder interests who, if no adverse action is taken by the Commission will be elected by the Board of Directors as the ninth director.

The application-declaration having been filed on September 17, 1948 and amendments thereto having been filed on April 25, 1949 and May 20, 1949 and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for hearing, or for notice of the amendments, as set forth in the Notice of Filing, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder have been satisfied, that the proposed slate of directors will result in the termination of interlocking directorates between Middle South Utilities, Inc., and United, as required by the plan and the Commission's order, that no adverse findings are necessary with respect to the composition of the proposed Board of Directors, and the Commission being of the opinion that it is appropriate to grant and permit to become effective said application-declaration, as amended, subject to the terms and conditions and reservations hereinafter noted, and the Commission also deeming it appropriate to grant applicant's-declarant's request that the order herein become effective forthwith upon issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that the said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following reservations of jurisdiction:

(1) That in the event that any of the above named directors is, at the time of the annual meeting, unavailable for election, for any reason, and it becomes necessary to substitute a new nominee therefor, that such name shall be submitted to this Commission, and shall not be proposed as a director unless no adverse action has been taken by the Commission.

(2) That inasmuch as only eight of the vacancies on the board of directors will be filled at this time, United shall, within three months after the date of its annual meeting, submit to the Commission the name of the proposed ninth member of the board of directors, setting forth the background and qualifications of such director and the manner and reasons for his selection, and that such ninth director shall not be proposed for election unless no adverse action has been taken by this Commission with respect to him.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-4220; Filed, May 26, 1949; 8:46 a. m.]

[File No. 70-2149]

NORTH AMERICAN CO. AND NORTH AMERICAN LIGHT & POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of May 1949.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The North American Company ("North American"), a registered holding company, and its subsidiary, North American Light & Power Company ("Light & Power"), also a registered holding company. North American and Light & Power have designated sections 9, 10, 12 (c) and 12 (d) of the act and Rules U-42, U-44, and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 7, 1949 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 7, 1949, said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

North American owns 72,785 shares, without par value, of Common Stock of Illinois Power Company ("Illinois") and Light & Power owns 170,000 shares thereof, or an aggregate of 242,785 shares, constituting 11.47% of the outstanding voting stock of Illinois. North American and Light & Power propose to sell, in conjunction pursuant to the competitive bidding requirements of Rule U-50, their respective holdings of said Common Stock. The net proceeds to be received from the sale by Light & Power are proposed to be applied to the prepayment of Light & Power's outstanding Bank Loan Notes due December 31, 1949, and amounting to $5,000,000; the net proceeds to be received by North American are proposed to be added to its general funds.

With the stated purpose of facilitating the proposed sales, North American proposes to stabilize the market price of Illinois Common Stock by purchases of such stock, if at that time deemed necessary or appropriate, during the period commencing at 10:00 a. m. on the day fixed for the opening of bids for the purchase of the 242,785 shares of Illinois Common Stock and ending at the time of acceptance of a bid or the rejection of all bids. North American further proposes that any shares purchased pursuant to such stabilization program will be sold by it on the New York Stock Exchange as soon as practicable after the consummation of the sales of the 242,785 shares of Illinois Common Stock.

North American and Light & Power state that the proposed sales of Illinois stock will be in compliance with orders of the Commission previously entered, directing the liquidation and dissolution of Light & Power and the divestment by North American of its interest in Illinois, and will be an essential step in the consummation of Amended Plan I of North American as approved by the Commission under section 11 (e) of the act and ordered enforced by the United States District Court for the District of Delaware, such order having been affirmed by the United States Court of Appeals for the Third Circuit.

North American and Light & Power request that the Commission in its order herein, make the appropriate findings and tax recitals, required by Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code.

North American and Light & Power further request that the Commission's order herein, approving the proposed transactions, become effective by 3:00 p. m., e. d. s. t., June 8, 1949.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-4221; Filed, May 26, 1949; 8:46 a. m.]

[File No. 54-167]

UNITED CORP.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of May 1949.

Notice is hereby given that The United Corporation ("United"), a registered holding company, has filed an application for approval of a Plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposed as a step in compliance with the Commission's order of August 14, 1943, issued pursuant to section 11 (b) (2) of the act, directing United to change its existing capitalization to one class of stock, namely, common stock, and to take such action in a manner consistent with the provisions

of said act as will cause it to cease to be a holding company (13 S. E. C. 854).

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transaction therein proposed which is summarized as follows:

As of December 31, 1948, United had outstanding 1,136,199⅛ shares of $3 Cumulative Preference Stock, 14,529,491½ shares of Common Stock and Option Warrants entitling holders to purchase 3,732,059 shares of Common Stock at $27.50 per share. On August 9, 1948 the Commission approved the Plan of United for the retirement of its outstanding Preference Stock, and on January 31, 1949, the United States District Court for the District of Delaware entered its order approving the Plan. Appeals from the order of the District Court are pending before the Court of Appeals for the Third Circuit but motions for a stay of the consummation of the Plan have been denied. United consummated the Plan as of April 30, 1949.

United now proposes to distribute to the holders of its common stock, shares of the common stock of Niagara Hudson Power Corporation ("Niagara Hudson") upon the basis of one share of common stock of Niagara Hudson for each ten shares of common stock of United held. If such distribution is consummated United's holdings of the presently outstanding voting securities of Niagara Hudson will be reduced from 28.5 percent to 14.1 percent. The plan contains no provisions with respect to the outstanding option warrants.

United proposes to pay such fees and expenses and remuneration in connection with the Plan as the Commission may approve, determine, award or allocate.

There are now pending before the Commission two plans filed by Niagara Hudson involving the consolidation of its three principal subsidiary companies into a new operating company and the eventual dissolution of Niagara Hudson. The Niagara Hudson plan provides that following the effective date thereof, Niagara Hudson would offer to exchange common stock of Niagara Hudson upon the basis of 0.78 shares of common stock of the new operating company for one share of Niagara Hudson common stock plus a ratable amount of cash per share of Niagara Hudson common necessary to pay off the bank loan of Niagara Hudson outstanding at the effective date of the Plan. It is estimated that, as of February 1, 1949, such cash amount would be approximately $2 per share. The exchange offer would remain open for a period of six months from the effective date of the Plan. Cash received in the exchanges would be applied to the payment of the unpaid principal of Niagara Hudson's bank loan.

The Niagara Hudson Plan further provides that subject to further approval by the Commission and upon adequate notice to common stockholders, Niagara Hudson would dispose of all its interest in the common stock of the new operating company not distributed pursuant to the exchange offer in an appropriate manner not more than two years after the effective date of the Plan unless such period is extended by the Commission. When the bank loan has been paid, Niagara Hudson would distribute the remaining shares of common stock of the new operating company, pro rata, to the holders of common stock of Niagara Hudson and thereafter would dissolve.

Under the terms of the Niagara Hudson Plan, no dividends would be declared or paid on the common stock of Niagara Hudson until the bank loan has been paid.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed Plan of United for a partial distribution of its holdings of Niagara Hudson common stock, and that said Plan shall not become effective except pursuant to further order of the Commission.

It is ordered, That a hearing under the applicable provisions of the act and rules thereunder be held at 10 a. m. e. d. s. t., on June 16, 1949, in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., in such room as may be designated on that day by the hearing room clerk in room 101. Any person desiring to be heard in connection with this proceeding and proposing to intervene herein shall file with the Secretary of the Commission on or before June 14, 1949, his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the Plan constitutes an appropriate step toward effectuating compliance with the Commission's order of August 14, 1943, issued under section 11 (b) (2) of the act, and is fair and equitable to the persons affected thereby.

(2) Whether the Plan may be approved without consideration of the claims of the holders of option warrants or, if such holders of option warrants are not entitled to participate in the assets of United, without amendment or modification of the Plan to provide for the elimination of such option warrants.

(3) Whether the Plan may be approved in the absence of a determination with respect to the additional steps by which United will cease to be a holding company with respect to Niagara Hudson in compliance with the Commission's order of August 14, 1943.

(4) Whether the proposed transaction complies with all the requirements of the applicable provisions of the act and rules promulgated thereunder.

(5) Whether the fees and expenses and other remuneration which may be claimed in connection with the Plan and transactions incident thereto are for necessary services and are reasonable in amount.

(6) What terms and conditions shall be imposed to ensure adequate protection of the public interest and the interest of investors and consumers and to prevent circumvention of the act and the rules and regulations thereunder.

(7) Whether the plan, as submitted or as amended or modified, or a plan proposed by the Commission, or any plan filed by any person having a bona fide interest in the proceeding, should be approved by the Commission for the purpose of section 11 (d) and, if proposed by the Commission or a person having a bona fide interest, what the terms and provisions of such plan should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to The United Corporation, and that notice be given to all other persons by general release of the Commission distributed to the press and mailed to the mailing list for releases issued pursuant to the Public Utility Holding Company Act of 1935, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That The United Corporation give notice of this hearing to all holders of its common stock and option warrants to purchase common stock (in so far as the identity of such security holders is known and available to The United Corporation) by mailing a copy of this notice and order to such security holders at least 15 days prior to June 16, 1949, the date of the said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-4222; Filed, May 26, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13243]

NANETTE C. LINVILLE

In re: Estate of Nanette C. Linville, deceased. File No. D-28-12612; E. T. sec. No. 16799.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Evelyne Fecht Platz-Wendorf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Nanette C. Linville, deceased, and in and to the trust created under the will of Nanette C. Linville, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Union Trust Company of New Castle, as administrator c. t. a., acting under the judicial supervision of the Orphans' Court of Lawrence County, New Castle, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4251; Filed, May 26, 1949; 8:56 a. m.]

[Vesting Order 13162]

HEINRICH BOKER AND CO.

In re: Trademarks owned by Heinrich Boker and Company, of Solingen, Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Boker and Company, whose last known address is Solingen, Germany, is a corporation, partnership, association or other organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, had its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

(a) The trademarks registered in the United States Patent Office under the numbers and on the date set out in Exhibit A attached hereto and made a part hereof and the registrations thereof, together with

(i) The respective goodwill of the business in the United States and all its possessions to which said trademarks are appurtenant,

(ii) Any and all indicia of such goodwill (including but not limited to formulae whether secret or not, secret processes, methods of manufacture and procedure, customers' list, labels, machines and other equipment),

(iii) Any interest of any nature whatsoever in and rights and claims of every character and description to said business, goodwill and trademarks and registrations thereof, and

(iv) All accrued royalties payable or held with respect to such trademarks and all damages and profits recoverable at law or equity from any persons, firms, corporations or government for past infringement thereof,

is property of, or is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Registration No.	Registrant	Date of registration
34,605	Heinrich Boker & Company of Solingen, Germany.	May 1, 1900
42,994	do	July 12, 1904
50,868	do	Apr. 6, 1906
64,378	do	Aug. 6, 1907
105,578	do	Aug. 10, 1915
106,934	do	Nov. 9, 1915
231,892	do	Aug. 30, 1927

[F. R. Doc. 49-4250; Filed, May 26, 1949; 8:54 a. m.]

[Vesting Order 13244]

IDA MEYER AND WELLS FARGO BANK & UNION TRUST CO.

In re: Trust agreement dated April 21, 1936, between Ida Meyer, trustor, and Wells Fargo Bank & Union Trust Company, trustee. File No. F-28-13104-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Meyer, Carmen Meyer, Alexandra Von Lucken (Longuet), Theodor Von Lucken and Turgen Meyer-Nelthropp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, names unknown, of Ida Meyer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated April 21, 1936, by and between Ida Meyer, trustor, and Wells Fargo Bank & Union Trust Company, trustee, presently being administered by Wells Fargo Bank & Union Trust Company, trustee, Market at Montgomery, San Francisco 20, California, including but not limited to the right of Ida Meyer to modify, alter, revoke or terminate the trust agreement in whole or in part and to withdraw any part or all of the trust estate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs-at-law, names unknown, of Ida Meyer are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4252; Filed, May 26, 1949; 8:56 a. m.]

[Vesting Order 13245]

GERHARD J. MUELLER

In re: Estate of Gerhard J. Mueller, deceased. File No. D–28–7456; E. T. sec. No. 7697.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rina DeJonge and Anna Bergman Saathoff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Gerhard J. Mueller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Champaign County, Illinois, acting under the judicial supervision of the County Court of Champaign County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–4253; Filed, May 26, 1949; 8:56 a. m.]

[Vesting Order 13246]

FRED NAGEL ET AL.

In re: Trust under agreement dated March 30, 1946, by and between Fred Nagel, Donor, and Frieda Herrmann and Hazel Ouse, Trustees. File No. D–28–10630–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Ritz, Karl Ritz, Hilda Braun, Luise Ottinger, Emma Eicher, Albert Nagel, Wilhelm Nagel, Wilhelmine Lang, Theodore Nagel, Karl Nagel, Luise Herrmann, Yakob Herrmann, Heinrich Heuser, Luise Heuser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs of the body, names unknown, of Albert Ritz, Karl Ritz, Hilda Braun, Luise Ottinger, Emma Eicher, Albert Nagel, Wilhelm Nagel, Wilhelmine Lang, Theodore Nagel, Karl Nagel, Luise Herrmann, Yakob Herrmann, Heinrich Heuser, Luise Heuser, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust agreement dated March 30, 1946, by and between Fred Nagel, Donor, and Frieda Herrmann and Hazel Ouse, trustees, now being administered by Frieda Herrmann, trustee, Genesee, Idaho,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, the heirs of the body, names unknown, of Albert Ritz, Karl Ritz, Hilda Braun, Luise Ottinger, Emma Eicher, Albert Nagel, Wilhelm Nagel, Wilhelmine Lang, Theodore Nagel, Karl Nagel, Luise Herrmann, Yakob Herrmann, Heinrich Heuser, Luise Heuser, and each of them, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–4254; Filed, May 26, 1949; 8:56 a. m.]

[Vesting Order 13271]

MARIA G. GARDINER ET AL.

In re: Maria G. Gardiner, et al., Plaintiffs, vs. Erich Gerlach, et al., Defendants. File No. D–28–8284; E. T. sec. 9457.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Gerlach, Charlotte Scheffler, Margarete (Margaret) Braetsch, Lisa Russnak, Charlotte Gerlach, a. k. a. Charlotte (Lotte) Engels, Heinz Gerlach, a. k. a. Henry Gerlach or Heinrich Gerlach, Ernst Albrecht Josten, a. k. a. Ernst Albrecht Heinrich Josten, Hannegret Josten, a. k. a. Johanna Margarete Josten, Gudrun Josten, a. k. a. Gudrun Christine Elizabeth Josten, Ruth Erna Amalie Pegelow, and Dr. Hans George Max Gerlach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Maria G. Gardiner, et al., Plaintiffs, vs. Erich Gerlach, et al., Defendants", General No. 41883, in Chancery, in the Circuit Court of La Salle County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Wendell Thompson, Master in Chancery, acting under the judicial supervision of the Circuit Court of La Salle County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–4256; Filed, May 26, 1949; 8:56 a. m.]

[Vesting Order 13267]

PAULINE WITTE

In re: Bank account and a Trustees' Liquidating Certificate owned by Pauline Witte, also known as Pauline Ochs Witte. F-28-17741/C-1/E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Witte, also known as Pauline Ochs Witte, whose last known address is 19 Carl Goerdeler Strasse, Leipzig W. 31, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Federal Trust Company, 24 Commerce Street, Newark, New Jersey, arising out of a savings account, entitled "Louise Ochs in Trust for Pauline Witte", maintained with the aforesaid Trust Company, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation, matured or unmatured, of the Trustees, Phoenix Building and Loan Association in Voluntary Liquidation, 60 Park Place, Newark 2, New Jersey, evidenced by a Trustees' Liquidating Certificate numbered 453, issued by the liquidating trustees of the said Association, and presently in the possession of Louise Ochs, 59 Hazelwood Avenue, Newark 6, New Jersey, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under the aforementioned liquidating certificate, including particularly the right to receive any payments due or to become due thereunder

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4255; Filed, May 26, 1949; 8:56 a. m.]

[Vesting Order 13276]

AUGUST STELTER

In re: Estate of August Stelter, deceased. File No. D-28-8072, E. T. sec. 16685.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Maria Daves a/k/a Sophia Maria Stelter, Heinrich Fridrich Stelter, Maria Dorathea Johanna Hennecke a/k/a Maria Dorathea Johanna Stelter, Mina Dora Boe a/k/a Minna Dora Stelter, Heinrich Fridrich August Stelter, Marie Sophie Sabinatz a/k/a Maria Sophia Stelter, Emmi Maria Dorathea Sophia Hohnschopp a/k/a Emmi Maria Dorathea Sophia Stelter, Heinrich Fridrich Wilhelm Stelter, Maria Sophia Lisetta Anna Lohse a/k/a Maria Sophia Lisetta Ann Stelter and Heinrich August Wilhelm Stelter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Stelter, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Augusta Meier, as administratrix, acting under the judicial supervision of the County Court, Kay County, Newkirk, Oklahoma;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-4257; Filed, May 26, 1949; 8:56 a. m.]